

Mercenaries of Peace: The Role of Private Military Contractors in Conflict

Written by Parth Piyush Prasad

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PARTH PIYUSH PRASAD, FEB 2 2025

Modern conflicts have evolved far beyond traditional inter-state violence. This evolution has integrated social and economic stakeholders directly into the battlefield, significantly expanding their roles. The presence of non-state actors and increasing distances between relevant battlefields due to globally relevant conflicts further complexify the position state-operated armies hold in modern warfare. Peacebuilding and post-conflict recovery in contemporary conflict zones are an integral part of ensuring long-term peace. Post-conflict recovery requires extensive efforts to foster participatory governance and developing amicable and harmonious relations between the afflicted societies. Traditionally, these efforts were led by state actors, international organisations, non-governmental organisations (NGOs), or indigenous leaders from the conflict zones. Yet privatisation of security services across the globe has led to increased presence of private military contractors (PMCs) in all aspects of conflict and recovery. This research essay aims to establish the position of PMCs in conflict and post-conflict recovery practices through empirical analysis. Utilising Collier and Hoeffler's 'greed vs grievance' model and by addressing the practical and ethical challenges to the presence of PMCs, this essay argues that PMCs are ineffectual tools for post-conflict reconstruction, and require stringent regulation to disincentivise their presence in fragile states.

Modus Operandi

In order to understand the on-the-ground responsibilities of PMCs, it is essential to understand the broader purposes for which and temporal context in which these institutions operate. Although mercenaries and private contractors have existed for ages, growing in prominence during colonial periods as indigenous and opportunistic colonial sympathisers (Lucas, 2015), it is only after the Cold War that their presence has dramatically expanded (Lucas, 2015; de Groot & Regilme, 2022). Scholars argue that this is due to the rise of transcontinental international armed conflicts, especially through the Iraq and Afghanistan wars propagated by the United States.

Post-Cold War PMCs have three distinguishable functions. The obvious function is that of providing active support during an international armed conflict. However, most PMCs provide logistical and consulting support as opposed to armed combatants, thus gaining the power to define security concerns for their clients. This function is exacerbated by their lobbying and consultancy functions, lobbying for contracts as well as increased budgetary focus on threats, extending onto strategisation for post-conflict recovery (Leander, 2005). For this essay, we will solely focus upon the second and third functions.

A rising feature in the case of PMC operations is the concept of sub-contracting, or hiring other PMCs to fulfil the state contract, as exemplified by the presence of Executive Outcomes (EO) mercenaries in the Sandlines International-led infamous Bougainville mission in Papua New Guinea in 1997 (McCormack, 2009). With sub-contracting, state control over PMC involvement on the ground is infinitesimally little, thus necessitating legal frameworks to oversee such contracts.

Literature Review

This section provides a thematic literature review by examining the multifaceted scholarly perspectives on the roles

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and functions of private military contractors. The objective of this review is to summarise the key takeaways from the large body of literature on the matter and to identify theoretical and empirical gaps which this essay aims to fill.

Rolf Uesseler's (2008) critically acclaimed book titled *Servants of War: Private Military Corporations and the Profit of Peace* establishes the key assumptions about the functioning of PMCs and develops a comprehensive argument against the profit-driven approach to warfare and post-conflict reconstruction. He argues that PMCs operate in a legal "twilight zone" (Uesseler, 2008), protecting them from regulations while allowing them to profit from instability. The book establishes the context of this essay, arguing that PMCs not only thrive on conflict, but also perpetuate socio-economic disruptions in post-conflict environments to ensure a stable cash flow (Uesseler, 2008).

Developing on these arguments, scholars argue that PMCs have become an illegitimate tool to extend national interest and influence conflict spaces by integrating external agendas to the local narratives (Delaforce, 2010). Delaforce's dissertation (2010) stresses upon the relationship between states and PMCs, and also takes a philosophical stance against their access to violence, seen as a preserve of the state as a result of their social contract.

Faite (2007) augments the 'illegitimate relationship' argument by taking a legal perspective. His argument follows the legal restrictions placed upon mercenary involvement in active conflicts under Article 47 of the First Protocol Additional to the Geneva Convention of 1949, and the extensive ban of mercenaries under the International Convention against the Recruitment, Use, Financing and Training of Mercenaries of 1989. Faite argues that these conventions are neither detailed enough, nor do they recognise the formal institution of a company as a mercenary, thus allowing PMCs to evade legal consequences.

Finally, Tzifakis and Huliaras (2015) oppose Western donor states outsourcing post-conflict operations to PMCs as well as international NGOs, arguing that weak contracts and unintended consequences of the presence of these private actors counters the logistical ease of such outsourcing. The authors approach the study with an assumption that the two actors can be considered as similar, which remains questionable. Although true in the contracting sense, the services offered and their method of providing said services are considerably different, and the difference between their operations is relevant to the contractual regime regulating their operations.

This essay aims to add to the existing body of literature by attaching a theoretical lens to the post-conflict outsourcing issue as well as elaborating upon these arguments with notable PMC failures.

Theoretical Analysis

Paul Collier and Anke Hoeffler's work in 2004 establishes a direct correlation between the opportunity cost of conflict, arguing that conflict arises from and is sustained by the opportunity provided by conflict as opposed to the motive of the conflict. Their model, known as the Collier-Hoeffler model and developed initially for civil wars involving non-state actors, establishes that weaker states with lower per capita income and/or substantial natural resources allow non-state actors more opportunity to incite and fund a protracted conflict due to the availability of foot soldiers in need of income as well as the availability of valuable natural resources sold to external parties (Collier & Hoeffler, 2004). An interesting critique of the model, presented by American political economist David Keen, adds a complex layer to our theoretical framework wherein PMCs thrive. While arguing for a cyclical relationship between the greed outcomes and grievance outcomes, Keen posits that, in some cases, more benefit can be derived by most parties by prolonging conflict rather than 'winning' one. In this case, it is possible that this greed ignites further grievances in states with external influences and/or weak rule of law (Keen, 2012).

Private military contractors are 'agents of greed', in their membership as well as model of service. Their core function in the post-conflict recovery and peacebuilding process is not to ensure positive peace, but to serve the interests of their clients. In cases of state-operated clients, the national interest of a state determines the functionality of the PMC, often pitting them against the local government institutions. In such cases, PMCs are ineffectual tools in building trust and struggle to mediate among the afflicted parties.

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PMCs prioritise financial gain over long-term societal stability, hiring and legitimising mercenary and former law enforcement/armed officers for their operations. As a result, their techniques of peacebuilding are influenced largely by inflated threat perceptions to gain larger contracts and by their militaristic expertise. Humanitarian spaces are 'bunkerised' in an effort to reduce costs, creating physical and psychological barriers with the afflicted communities and entrenching deeper distrust within the society (de Groot & Regilme, 2022).

Furthermore, by framing their services as experts on security matters, PMCs gain positional power to delegitimise and segregate local stakeholders in order to ease their logistical requirements, driven by their profit-making imperative. Ideals of local ownership of peacebuilding processes are jeopardised (de Groot & Regilme, 2022). This builds feelings of resentment against the PMCs in the area, further jeopardising the stability of the peace created after the PMC-run institutions contractually terminate.

Moreover, since most conflict zones are rich in natural or strategic resources, PMCs exploit weak resource governance structures to either gain institutional control or earn lucrative contracts by earning 'lootable' resources through unfair means for their clientele (Roy, 2018). Finally, by the discriminatory hiring conducted by these contractors, it is possible that active rebellions begin against the PMC-operated institutions, further destabilising the region (de Groot & Regilme, 2022).

Therefore, PMCs fit well within the Collier-Hoeffler model due to their explicit focus on materialistic incentives. Beyond that, PMCs also fit the Keen critique through a logical understanding of the services provided. It is obvious that the longer the period of rebuilding, the larger the contract, both in terms of time and money. Therefore, by profiting from extended crises, PMCs hold two paradoxical objectives: to ensure peace and to ensure that their presence is relevant to the region and their client.

Empirical Analysis

This theoretical background can be augmented by thematic empirical analysis provided by studying popular cases of indigenous and non-indigenous PMCs operating in internationally significant conflicts.

The core themes of PMC failures arise from the excessive use of force in post-conflict zones. This is best exemplified by the Nisour Square massacre in Iraq in 2007, at the hands of mercenaries hired by Blackwater, an American PMC contracted as protective detail for American envoys to Iraq. Roughly 20 civilians were killed, all Iraqi civilians, in a peaceful civilian zone after a misunderstanding between the Blackwater staff. This was one of many flare-ups between Blackwater and Iraqi stakeholders, since between 2005 and 2007, Blackwater was involved in 195 shooting incidents, opening fire first in 162 of these incidents (Siddhartha & Joshi, 2009).

Another important theme is the mismanagement of resources and failure to provide services. DynCorp International was provided lucrative contracts and resources to train and equip police forces in Iraq and Afghanistan, receiving the contract in 2003 and 2004 respectively. However, without any knowledge of the local environments, DynCorp International wasted a combined total of around \$7 billion in association with American governmental authorities in training and arming a police force (Miller, 2010; Isenberg, 2010). In Afghanistan, unemployed youth were handed weapons and put on the beat without any formal training, leading to the creation of a munition black market and the American-sanctioned weaponry falling in the hands of the Taliban (Miller, 2010). In Iraq, DynCorp and American military officials, by 2004, armed police officers hired by Iraqi commando units. However, Sunni Muslim leaders raised concerns of these police officers, predominantly Shi'ite, targeting and executing scores of Sunnis, thus exacerbating the conflict (Isenberg, 2010).

The creation of PMC factions and the ineffectual disbanding of these offshoots was a key problem faced in former Yugoslavia after the debilitating Yugoslav Wars. Scores of highly trained and experienced combatants committing crimes as individual mercenaries were legitimised as members of PMCs post-conflict. These combatants were often armed by the leftover weaponry provided by the American-backed PMC, MPRI (Aparac, 2024).

Finally, a key theme of failures is the legal quagmire surrounding litigation of crimes committed by PMC staff

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(Ryngaert, 2008). In the case of the Nisour Square massacre, Iraqi Prime Minister Nouri al-Maliki tried and failed to bring criminal charges against Blackwater staff and curb Blackwater operations by revoking their license. It was found that Blackwater not only did not hold a licence to operate with the Iraqi government, but were exempt from Iraqi law as a result of a ruling by the interim US governing authority which had dissolved over two years prior to the case (Singer, 2007).

Peace vs Profit: Final Reflections

From this essay, several ethical challenges arise against the profiteering nature of PMCs and their involvement in post-conflict zones. The first ethical challenge is the political philosophy-driven question of legitimate wielding of violence. Scholars and theorists agree that privatisation of military and violence, which undermines the implicit social contract between citizens and state, is unconscionable (Otto, 2015). Furthermore, from our theoretical analysis, we derive the ethical challenge of community-based rebuilding, wherein the profit motive undermines ethical governance and trust-building required for inclusive governance, as exemplified by the failures in Iraq and Afghanistan.

However, these ethical challenges are countered by the numerous legal challenges facing the international conventions and host states. Even after the passing of the Montreux Document in 2008, PMCs enjoy an ambiguous legal status under leading international humanitarian law (IHL) conventions, complicating enforcement procedures of accountability mechanisms for such organisations (Kees, 2011). However, it is important to curb violations before they reach the status of *jus cogens*, thus necessitating the application of the criminal law of the client state as opposed to the weak judicial system of a conflict-ridden state (Ryngaert, 2008).

In conclusion, it is obvious that private military contractors are gaining traction as military leaders across the world, and that their importance is undoubtably increasing. As we explored, PMCs will operate with profit motive as a function of their construction, unless international conventions can actively regulate their positions. That task, unfortunately, lies in the hands of the clientele of leading PMCs.

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