Abstract
This article examines the use of private security companies in conflict management, focusing particularly on their use by states during armed conflicts and by states and multilateral institutions during international peace support operations in Africa. It observes that while armed conflicts and international peace support operations in Africa have burgeoned, the use of private security companies has increasingly been problematic. It argues however that the use of private security companies has come to stay and what should be done is to regulate and manage their operations for maximum performance.

Introduction
The phenomenon of inter-state and intra-state armed conflicts across the world has led the United Nations, regional inter-governmental organisations (IGOs) and major powers such as the United States (US), France and Britain to undertake international humanitarian interventions during and after conflicts in many countries. As part of the international interventions, particularly in recent years, military/security services are outsourced to private security companies (PSCs). For example, PSCs were contracted to provide services such as construction, transportation and maintenance of equipment during Operation Desert Storm in Kuwait (1990-1991) and Operation Iraqi Freedom (Messner, 2007:61). Besides, major US military interventions in the post-Cold War era (in the Persian Gulf, Somalia, Haiti, Zaire, Bosnia, or Kosovo) have involved private military firms (Singer, 2003). Similarly, armed conflicts in different parts of Africa have involved the use of PSCs by sovereign states. Sierra Leone, for example, employed the services of PSCs to combat rebels during the protracted 1991-2002 civil war in the country (Akanji, 2013; Olonisakin, 2008; Keen, 2005). Thus, the practice of outsourcing military/security services during conflict and post-conflict
'Looking Beyond the State': Private Security Companies, Armed Conflicts . . . 123

situations gives an impression that PSCs are central and critical to successful international peace support operations and conflict management.

This article, however, takes a more critical look at the increasing privatisation of security as evidenced in the increasing use of PSCs by states in combat operations against rebels, insurgents, and terrorists and in peace support operations. In doing this, it examines the roles, contributions or otherwise of PSCs to conflict management in Africa. The article is divided into four sections: the first is the conceptual analysis, and the second is on the rationale for the increasing privatisation of security and the use of PSCs in peace support operations by state and non-state actors. The third and fourth sections respectively examine selected cases of the use of PSCs in conflicts and peace support operations in Africa, and the assessment of the involvement of PSCs in conflicts and peace support operations on the continent.

Peace Support Operation and Private Security Companies: Conceptual Analysis

Peace support operation has been explained in multiple interrelated ways. For instance, the White Paper on South African Participation in International Peace Missions describes peace support operation as all military activities in support of peace mission; a generic term for preventive diplomacy, peacekeeping, peacemaking, peace enforcement and peacebuilding (South African Department of Foreign Affairs 1999: 7). This means that peace support operation refers to actions to prevent conflict (preventive diplomacy), bring hostile parties to agreement through peaceful means (peacemaking), halt conflicts and preserve peace once attained through deployment of United Nations (UN) force (peacekeeping), and prevent a relapse back into conflict (peacebuilding) (Boutros-Ghali, 1992:11). In a related but more detailed manner, the North Atlantic Treaty Organization (NATO) defines peace support operation as multi-functional operations conducted impartially, normally in support of an internationally recognised organisation such as the UN or Organisation for Security and Cooperation in Europe (OSCE), involving military forces and diplomatic and humanitarian agencies . . . designed to achieve a long-term political settlement or other conditions specified in the mandate. They include peacekeeping and peace-enforcement as well as conflict prevention, peacemaking, peacebuilding and humanitarian operations (NATO 2001:2-1).

Although NATO's conceptualisation of peace support operation is broader than that of the South African White Paper, both show that peace support operation is an umbrella term for all military and non-military activities that constitute international interventions in conflict and post-conflict situations. The activities are diplomatic, political, humanitarian and military/security in nature, and geared toward maintaining international peace, security and stability. These activities, which are carried out under the labels of preventive diplomacy, peacemaking, peacekeeping, and peacebuilding are predicated on Chapters VI (on pacific settlement of disputes), VII (use of armed forces to restore peace) and VIII (regional mechanisms for resolving disputes) of UN Charter.
Based on the UN Charter, the military and non-military activities are primarily the responsibilities of states, regional and some international bilateral and multilateral institutions such as the UN, African Union (AU) and NATO. However, in carrying out the Charter-mandated activities, the services of non-state military/security service providers are often employed. This became more pronounced from the 1980s, as states and international organisations, including the UN, AU and NATO increasingly outsource services in peace support operations to PSCs (Messner, 2007; Singer, 2003).

It is the practice of outsourcing military and non-military services to non-state military/security service providers by international actors that are involved in peace missions underlines the notion of privatisation of peace support operations. The notion is however characterised by ambiguities. The ambiguities revolve, first and foremost, around the existence and use of different names to describe non-state actors that perform legitimate military and non-military services in peace support operations. Some of the names are private security companies/private security contractors (PSCs) (Bosch, 2007), private military companies (PMCs) (Brooks, 2002), private military/security companies (PMSCs) (Zedeck, 2007; Baker and Gumedze, 2007); private military firms (PMFs), military firms and military contractors (Singer, 2003; Kinsey et al 2009). The problem with this is that there is confusion about the appropriate nomenclature for all non-state security service providers involved in peace support operations. Doug Brooks, for example, argued that private security companies (PSCs) are companies that provide defensive armed protection for premises or people, capable of defending against guerrilla forces, or serving as personal bodyguards; while private military companies (PMCs) include both active private military contractors willing to carry weapons into combat, and passive contractors that focus on training and organisational issues (Brooks, 2002:2-3).

In the same vein, PSCs have been described as companies that are "contracted to render tasks in conflict and post-conflict environments" as opposed to PMCs that are "firms offering security and military-related services that up to the 1980s used to be the preserve of the state" (PrivateMilitary.org, n.d).

Similarly, using the nature of the services rendered and the level of force used, Peter Singer classified the non-state security providers into three: military provider firms, military consultant firms, and military support firms (Singer, 2003). While the military provider firms provide services at the frontline, including the command of forces and implementation of missions; and the military consultant firms offer advisory and training services, the military support firms are contracted to carry out non-lethal aid services such as feeding, housing and provision of support (Singer, 2003:91). Holmqvist (2005: 6), however, disagrees with this classification, arguing instead that all non-state security providers/companies in the military and security industry are to be referred to as PSCs.
his means that PSCs denotes the companies in the military and security industry.

For the purpose of this paper, however, Holmqvist's argument is adopted, but with the construction of PSCs as profit-oriented, commercially registered non-state security service providers contracted by states and/or international institutions to undertake military/security and/or non-military/security services in situations of armed conflicts and peace support operations. This definition is because of two reasons. The first is that PSCs perform a broad range of functions such as combat and operational support, military advice and training, arms procurement, intelligence gathering, security and crime prevention services (UK Foreign and Commonwealth Office, 2002). What is clear from this list of functions is that PSCs are primarily security service providers, given that this paper does not distinguish between security and military.

The second reason is that the definition of PSCs as described above addresses a critical ambiguity in the notions of privatisation of peace support operations and privatisation of security: whether or not PSCs are different from mercenaries and militias. While some scholars, including Nathan (1997) and Dietrich (2001), describe PSCs as mercenaries because of the role they play in conflict situations; others such as Lilly (2000) and Cameron (2006) describe them as world's future peacekeepers. Unlike these views are categorical, Shannon Bosch was ambivalent, arguing that PSCs would, depending on their particular actions, most likely be categorised as civilians (sometimes 'accompanying the armed forces'). Their degree of participation in hostilities will determine whether they retain their civilian status or are considered to be unlawful belligerents (Bosch, 2007: 47).

However, the conceptualisation of PSCs in this paper shows that they are neither militias nor mercenaries. This is because the PSCs to which contracts and services are outsourced in peace support operations are those licensed by sovereign governments and/or registered with or officially recognised by the international organisation(s) and governments that contract them. The identity of notable PSCs contracted in peace support operations corroborates this. For example, Brown & Root, OynCorp International, International Chartered Incorporation (ICI), Pacific Architect and Engineers (PAE) and Academi (formerly Blackwater) are registered and licensed PSCs in the US (PrivateMilitary.org, n.d.), and Sandline International was a PSC incorporated in the Bahamas and maintained representative offices in London and Washington (Sandline International 2004).

Moreover, the US has a number of regulations, including the Federal Acquisition Regulations (FAR), that recognises and regulates contracting between the US Government and private firms (Messner, 2007:64). This is opposed to mercenaries, who, though are known to the governments/groups that contract them, are unregistered, unlicensed irregular/auxiliary forces used as proxies in wars. Another distinguishing feature between PSCs, as defined in the paper, and mercenaries is that several instruments of international law such as the Geneva Convention of 1949, the 1977 Organization

Furthermore, unlike mercenaries, multi-lateral institutions contract the services of PSCs. Several international organisations including the United Nations High Commissioner for Refugees (UNHCR), United Nations Development Program (UNDP) and World Food Program (WFP) have used PSCs for protection (Hull, 2008:11) and to secure aid delivery (Avant 2005:238). Also, UN peacekeeping missions have involved PSCs to provide services such as logistical support and transportation of troops and equipment (Howe, 2004). Examples include the UN/US peace support operations in Afghanistan, Haiti and Iraq, and UN/AU peace support operations in the Democratic Republic of Congo, to name a few (Messner, 2007:61). Similarly, the International Charter Incorporated (ICI) worked closely in West Africa, including in Liberia, and elsewhere with international peacekeeping forces on behalf of the US government (see Howe, 2004: 191). All of this points to the importance and centrality of PSCs in peace support operations, underscoring their description by Wright and Brooke (2007) as the 'peace and stability operations industry' (PSOI).

The underlying theoretical underpinning of the privatisation of security and peace support operations is the assumption of the pluralist theory that states and a number of non-state entities are the primary actors in the international system, where they operate within the frameworks of complementarity and of checks and constraints on each other (Heywood, 1997; Nye and Keohane, 1971; Burton, 1972). This explains the involvement of PSCs in conflict situations and in peace support operations, where they perform functions that complement efforts of states and international institutions to mitigate conflict. The functions include "logistical support, military operations, maintenance of weapons systems, protection of persons, training of military and police force at home or abroad, intelligence gathering, custody and interrogation of prisoners and, on some occasions, participation in combat" (International Committee of the Red Cross 2006: 1).

Privatisations of security and peace support operations: the raison d'etre over the years, states have increasingly used PSCs during civil wars, for the purpose of combat operations against insurgents and rebels. Similarly, big businesses, private individuals and corporations, NGOs, multilateral and bilateral institutions and diplomatic missions in many countries, especially in Africa, rely on PSCs for security services. The increasing use of PSCs shows that security/the legitimate use of force/coercion, which is the traditional responsibility of states has become privatised. The major reason for this however is the increasing inability and the lack of capacity by states to prevent, 'resolve and manage conflicts and situations that pose serious threats to their peace, stability, and territorial integrity.

On the other hand, however, privatisation of peace support operations, exemplified
in the increasing use of PSCs by states and multilateral institutions for peace support operations, is attributable to four reasons. The first is pervasive armed conflicts and the attendant humanitarian crises in the world. In Africa, for example, 14 of the continent’s 53 countries were afflicted by armed conflicts in 1996 alone, and over 30 wars occurred on the continent between 1970 and 1998 (see Aboagye, 2009: 1).

A total of 19 cases of armed conflict were also recorded in Africa between 1990 and 2001 (Ericsson et al 2002:65). Besides being pervasive, armed conflicts in many African countries are protracted and characterised by heinous atrocities including the use of rape and other forms of sexual violence as weapons of war, and massive displacement of people. For instance, reports indicate that more than 10 million Internally Displaced Persons (IDPs) were in Africa in 2008, resulting from armed conflicts in 10 of the 18 countries in East and Central Africa with Sudan, Democratic Republic of Congo and Somalia accounting for 4 million, 2.12 million and 1.55 million respectively of the total (IRIN, 2009).

The second reason is the fall in the capacity of states and international organisations, and by implication the international community, to cope with the increasing cases of armed conflicts and the attendant humanitarian crises. This is as a result of the fact that many of the world's militaries, particularly in the US and Europe, have been downsized since the end of the Cold War, and because of structural and legal limitations to deployment of militaries for international peace missions in many countries (Aning et al, 2008; Messner, 2007:57).

The third reason is that the use of PSCs in peace support operations is profitable to the PSCs, and the end users of their services. Records have shown that PSCs benefit financially from being used in peace support operations by states and international organisations. In 2004, for example, the US based Halliburton and its subsidiary Kellogg, Brown & Root secured contracts in Iraq worth between $11 and $13 billion, which was roughly half of the company's total worldwide revenues (Holmqvist, 2005; Schreier and Caparini, 2005).

The fourth reason is that the international community has accepted and recognised the capacity of PSCs to contribute to global peace and stability. This is exemplified in the fact that the US State Department contract PSCs for peace support operations, for instance in Africa, through its African Peacekeeping Program (AFRICAP), which identifies PSCs with the capacity to implement large-scale peacekeeping programs (Bennett, 2009; Howe, 2004). Similarly, outsourcing to PSCs has been due to the realisation by international actors (states and international organisations) that some services, such as heavy aviation, are not available to most state-owned militaries, and where state-owned militaries have the capacity, PSCs can do the job faster and cheaper (Messner, 2007: 61).

**PSCs, Conflicts and Peace Support Operations in Africa, 1990-2014**

Between 1990 and 2014, conflicts in Africa and international peace support operations to address them involved the use of PSCs. PSCs were contracted to provide services...
ranging from maintenance of weapons, training of soldiers, logistical support and engagement in combat operations. The now defunct Executive Outcomes (EO) and Sandline International (SI) are examples of PSCs contracted by the government of Sierra Leone to specifically engage in combat operations against rebel forces (Akanji, 2013, Olonisakin, 2008; Keen, 2005). On the other hand, DyrrCorp International, Brown & Root, Blackwater (now known as Academi), International Charter Incorporated (ICI), Pacific Architect Engineer (PAE), Top Cat Maritime and Hart Security were among the PSCs contracted by multilateral institutions and states to provide security and non-security services during peace support operations in conflict situations in different parts of Africa (see Bennett, 2009; Aning et al, 2008).

The involvement of PSCs in conflict situations and peace support operations in Africa during the period was due to the protracted nature of conflicts on the continent, the humanitarian crisis that attended them, and the threats they posed to state survival. An example was the civil war that ravaged Sierra Leone for over a decade (1991-2002), during which the capacity of the state to protect its citizens and territorial integrity was seriously challenged by rebel forces (Akanji, 2013; Spearin, 2009; Olonisakin, 2008; Keen, 2005; Hirsch, 2001).

During the civil war in Sierra Leone, for instance, threats to state security and survival by rebel forces of the Revolutionary United Front (RUF) led to the employment of the services of Executive Outcomes (EO) and Sandline International (SI) by the government of Sierra Leone whose military had been weakened by internal political crisis and intrigues (Akanji, 2013:18). The services of the PSCs were contracted at different times by the government of Sierra Leone between 1992 and 1997. In 1992, when Valentine Strasser-led National Provisional Ruling Council (NPRC) assumed power through a coup, Executive Outcome (EO) was contracted to counter the rebel activities of the Charles Taylor-backed RUF (Akanji 2013:18; Hough 2007:9-11; Ero 2000:63). The contract ended in 1997, following the election of Ahmed Tedjan Kabbah and in line with the Abidjan peace agreement between the rebel forces and the government (Spearin 2009; Ero 2000:63). However, resurgence of rebel activities in May 1997, made Tedjan Kabbah to contract the services of Sandline International (SI) in early 1998 (Hough 2007: 12).

Both SI and the Economic Community of West African State Monitoring Group (ECOMOG) troops, a sub-regional intervention force led by Nigeria, engaged the rebels in combat in the bid to restore normalcy and stability back to Sierra Leone (Ero, 2000). However, the use of SI by the government of Ahmed Tedjan Kabbah, and the fact that it fought alongside the Nigerian-led ECOMOG troop, without objection from the governments of West African states, was a pointer to the acceptance of the importance of PSCs in restoring peace in conflict situations. This, according to Comfort Ero, appeared to legitimise the industry's role as peace enforcers (Ero 2000:63). Justifying the action of the Kabbah government, Sierra Leonean ambassador to the UN, Sylvester Rowe, explained that "... the legitimate government of Dr Kabbah did what it had to" (quoted in
Percy, 2007: 219). Also, PSCs were used in international peacekeeping and postconflict peacebuilding efforts in Africa by states and multilateral institutions. In West Africa between 2002 and 2003, for instance, the US contracted PAE to transport arms during UN Operation in Cote d'Ivoire (UNOCI) (Malan, 2008:4). Also, in September 2009, PAE, DynCorp, Protection Strategies Inc. and AECOM were selected for a five year contract, not exceeding US$ 375 million for each company for postconflict peacebuilding activities in different parts of the world (Bennet, 2009). Through this mechanism, the postconflict activities of DynCorp in Liberia were extended to January 2010, with the task order amounting to US$ 20 million covering issues of maintenance and operation of military facilities, provision of transportation, power and water related services (Bennett, 2009).

Similarly, PSCs were involved in conflict situations and international peace support operations in Somalia, Rwanda, and Sudan between 1990 and 2014. These include Brown & Root, DynCorp International, Bancroft Global Development, Northbridge, ATS "Worldwide, SelectArmour, among others. While Brown & Root was contracted by the US government to provide logistical and supply supports for its troops in Somalia, and during Operation Restore Hope in Rwanda in 1994 (Singer, 2003:143), and DynCorp was contracted to provide logistical support for African Union Mission in Somalia (AMISOM) (Hansen, 2008: 593-594), Bancroft Global Development, work under the auspices of AMISOM to provide assistance to Somalia security institutions in line with UN Security Council resolution 733 of 1992 (defence Web, 2012).

Furthermore, PSCs were an important element of UN-AU Operation in Darfur (UNAMID). Among the PSCs contracted to provide services in UNAMID was DynCorp International. DynCorp was contracted by US State Department in 2003 to provide transportation services for Sudanese delegate_s in Kenya during the negotiations which led to the Comprehensive Peace Accords (CPA) (DynCorp International, 2010). After the peace accord was signed in 2005, DynCorp secured contracts with the US State Department for African Peacekeeping, involving the Assessment and Evaluation Commission (AEC) for monitoring the extent of compliance of the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) with the Comprehensive Peace Accords (DynCorp International 2010).

Also, DynCorp was contracted to provide training for SPLA officers and assist the Government of Southern Sudan in its Security Sector Transformation (SST) in support of SPLA management capacity development; civil engineering for the headquarters and camps, maintenance of equipment, communication gadgets and vehicles (DynCorp International, 20 1 0; Aning etal, 2008). Apart from DynCorp, PAE provided personnel for the monitoring of human rights in the Sudan through a Civilian Protection Team for Sudan (Aning etal, 2008:264).

**PSCs: (Sp)Oiler of stability?**

The use of PSCs for combat operations against rebels and insurgents and for peace support operations in Africa has had significant impact on the nature of conflicts, peace processes and
peace implementations on the continent. The services provided by Executive Outcome (EO) and Sandline International (SI), for example, countered the threats posed by the RUF/SL to the government of Sierra Leone, hindering it from overrunning the country, and in the process paved the way for peace agreements, including Lome peace accord of July 7 1999 (Akanji, 2013: 19) that terminated the brutal conflict. After the conflict also, PSCs were involved in the UN-led peacebuilding and post-war reconstruction programme in the country. PAE in particular provided such services as the air and sealifting of personnel and supplies, equipment maintenance, and provision of food, fuel and water for UN Missions in Sierra Leone (UNAMSIL) in 2003 (Chatterjee, 2004).

Similarly, PAE and DynCorp, contracted by US State Department, provided housing, office equipment, transport and communication gears for the AU troops in Darfur under an "indefinite delivery, indefinite quantity" joint contract worth $20.6 million in 2004 (Chatterjee, 2004). In the same vein, Bancroft Global Development worked with AMISOM to provide assistance to Somalia security institutions (defence Web 2012). These suggest that PSCs have been crucial to peacekeeping, peacemaking and peacebuilding efforts (peace support operations) of the international community, and to prosecution of armed conflicts by states in Africa.

However, criticisms have trailed the use of PSCs, casting serious doubt on their relevance and reliability for conflict management and international peace support operations in Africa and globally. First is the issue of legitimacy. PSCs are generally not accountable or responsible to their home governments, and not beyond the terms of the contract they have with states and multilateral institutions that contract their services. This lack of democratic oversight and accountability, Rachel Zedeck argues, has led to a decreased perception of the legitimacy of PSCs in the eyes of many people (Zedeck, 2007: 99).

Another issue is that of cost-effectiveness. There is serious doubt about the cost-effectiveness of the use of PSCs for peace support operations, prosecution of war and counter-insurgency operations. This is in view of the high financial implications of the use of PSCs in peace support operations, which often arise from their lack of transparency. For example, PAE was charged and investigated by UN auditors for overcharging the UN in Democratic Republic of Congo (DRC) in 2001 (Chatterjee, 2004). The company was found to have overcharged the UN for services rendered when contracted to support the UN expanded peacekeeping mission in the country. This resulted in the final cost of the mission exceeding $75 million as against the initial cost of $32.4 million (Chatterjee, 2004).

The use of PSCs in securing peace in war-torn countries in Africa, like elsewhere is also problematic because they often become entangled in the internal politics of the countries that contract their services or in which they are used, thereby escalating or sustaining the conflict. This was evident in the activities of the PSCs employed to provide security services in war-torn Somalia between 1990 and 2014, where PSCs were involved in the country's complex network of security governance, albeit as service providers for
'Looking Beyond the State': Private Security Companies, Armed Conflicts...

'Looking Beyond the State': Private Security Companies, Armed Conflicts... 131

'sub-stateactors' (Kinsey et al, 2009: 148). The security complexity of Somalia borders on the fact that a combination of clans, tribal militias, vigilante groups and Shana Courts compete for power in the country. This and the lack of central authority made some of the PSCs that operated in the country to be loyal to and identified with the group/government that employed their services. For instance, after Puntland declared itself an autonomous region within Somalia, and established some features of modern statehood in 1998, its 'government' contracted Hart Security, a PSC, in 2000 for the purpose of anti-piracy operations, including curtailing illegal fishing activity and training of coastguards (Kinsey et al, 2009: 152).

However, the effectiveness of Hart Security was undermined by the involvement of its trained coastguards in local politics which split them along tribal lines (Kinsey et al, 2009: 153). This affected the ability of the company to deliver on its contract, as evident in its failure to support the Puntland administration during civil war. According to Kinsey et al (2009: 154), [when] 'there was fighting close to Hart's operating bases the company withdrew from Puntland'. The resultant effect of this action was the revocation of Hart Security's contract by the Puntland government under Abdullahi Yusuf of the Omar Mahamoud clan, and the signing of a contract with SOMCAN, a PSC registered in the United Arab Emirates (Kinsey et al, 2009: 153-154). Like Hart Security, however, SOMCAN was unable to extricate itself from the local politics of Puntland. This was due to the company's close relationship with political leaders in the region, as it was controlled by the Tarr family which supported the Omar Mahamoud clan during the period of civil war (Kinsey et al 2009: 154). As a result, SOMCAN contract was voided in 2005 as soon as a rival clan took over the leadership of Puntland. This followed armed confrontation between personnel of the company and security officials of the new government (Kinsey et al 2009: 154). What this shows is how PSCs were used to sustain political instability in Somalia.

Furthermore, involvement in crimes and human rights abuses while on international peace support operations and while being used to prosecute wars and provide internal security raise serious doubt about the suitability of PSCs. In a number of instances, including outside of Africa, personnel of PSCs on peace support operations and on deployment to counter rebel offensives and contain crimes have been involved in criminal activities and violations of human rights. These include involvement in drug and sex trafficking in Columbia (Bennett, 2009; Spearin, 2008), and piracy and extortion in Somalia (Hansen 2008). In a 2006 report, Amnesty International listed the 'atrocities committed by employees of PSCs contracted by the US in its missions in Iraq and Afghanistan. The list included assault, torture and sexual abuse, and indiscriminate shooting of civilians (Zedeck, 2007:99). According to the report, despite cases of human rights abuses and other indictments, prosecution of personnel of PSCs by states and international institutions that contracted them was rare (Zedeck, 2007:99).

Another issue with PSCs is the absence of international legal framework that
supports their existence and use. Unlike mercenaries that are universally regarded as illegal, the use of PSCs is neither outlawed nor recognised by any instrument of international law. This has made the use of PSCs for peace support operations and prosecution of armed conflicts to be considered illegal and a subject of controversy in some quarters.

The major concern however, is the extent to which PSCs can come (for protection and prosecution) under international humanitarian law (law of armed conflicts), including the four Geneva Conventions of 1949 and their Additional Protocols of 1977.

Conclusion
There is no gainsaying the fact that PSCs have come to stay. This is in view of their roles and widespread use by states and multilateral institutions, and the fact that international humanitarian interventions in war-torn countries have become more complex than what states alone can shoulder. It is therefore imperative to strengthen the use of PSCs so as to maximise their capabilities and potentials. As argued in the paper, one of the problems with the use of PSCs is the absence of an international legal framework that supports such involvement.

Consequently, an international legal framework that recognises and regulates the use and activities of PSCs in combat operations and peace support operations should be established. This is necessary because existing international legal instruments do not recognise or provide for the use of PSCs in peace support operations and for prosecution of war. Until 2004, this lacuna accounted for the categorisation of PSCs as mercenaries by the office of the UN Special Rapporteur on Mercenarism (Bosch, 2007:41). Though PSCs are generally no longer treated as mercenaries, there is still need for an instrument of international law that recognises their existence and use. The international legal instrument should provide a universal definition of PSCs, specify their activities, when they can be used, who can use them, and for what purpose.

Also, the framing of the international legal framework should contain details about the rule of engagement for PSCs to be deployed for peace support operations, taking into cognisance their peculiar nature as profit oriented, non-state security service providers that are different from state armies and mercenaries. Likewise, the international instrument should stipulate the nature of role and activities that PSCs can be used for. These should include being use to engage in combat operations by states facing armed insurrections or terrorist attacks as well as all aspects of peacekeeping, peacemaking and peacebuilding missions.

As part of the rule of engagement for PSCs in peace support operations, the instrument should specify a logo/emblem and code of conduct for them. This is to engender a common identity for PSCs and to reflect their neutrality, which underpins their humanitarian role in conflict management. Similarly, the instrument should provide for the registration of PSCs with their home governments and the United Nations Department of Peacekeeping Operations (DPKO); specifying that only registered PSCs should be contracted by states and multilateral
institutions for peace support operations. This is to ensure effective control of PSCs. In addition, the use of weapons by PSCs in peace support operations should be regulated. Under the framework, PSCs in peace support operations should only carry light weapons, or weapon systems deemed necessary by the DPKO. This will further distinguish PSCs from mercenaries and reinforce their neutrality. Lastly, the framework should contain sanctions, including de-registration and proscription of PSCs and the prosecution of PSCs employees that fail to comply with the provisions of the proposed framework and other international human rights and humanitarian instruments.

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‘Looking Beyond the State’: Private Security Companies, Armed Conflicts …

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