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The Swiss Initiative
Comes Alive

Q & A with Princeton Lyman

The Need for Better
Civil-Military Relations

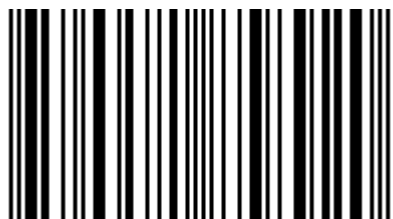
The Future of Mauritania



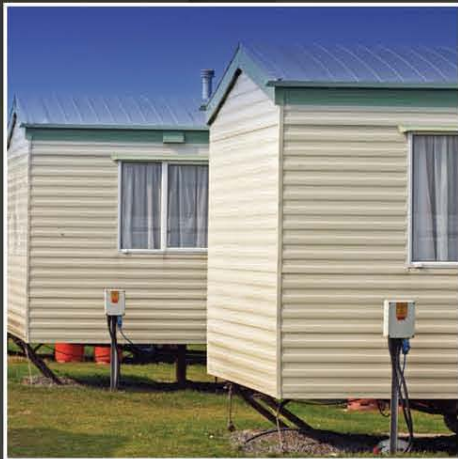
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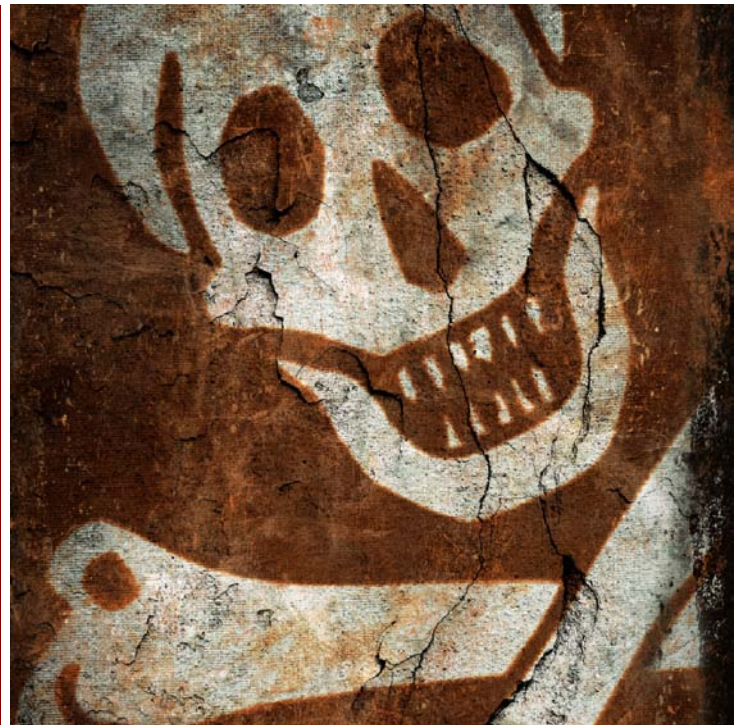


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Doug Brooks

November Won't Change a Thing

Both Candidates Likely to Pursue Similar Policies for Contractors



Six of one, half-a-dozen of the other. Photos: Sen. Barack Obama; Sen. John McCain

I often hear that one U.S. presidential candidate or another will be better or worse for our industry. Don't believe it. So long as results matter in international policies, the private sector will always have a role. The capacity, expertise and professionalism of our global industry are integral to any well-structured strategy. It is hard to imagine policy-makers achieving meaningful policy objectives in conflict, post-conflict or disaster relief missions without counting on the private sector for significant support services. Our industry exists because of the desire that international policies succeed, be they U.N., E.U., or U.S. policies.

Those who imply that the role of the private sector is marginal, or even optional, need to articulate how they plan to replace the capacity. Some European governments have attempted to minimize their use of the private sector, especially for NATO operations in Afghanistan, but have been learning the hard way that requiring their own troops to provide all the support services that contractors can do better and cheaper, has minimized the value their militaries offer multinational operations.

Even beyond Iraq and Afghanistan, it is inconceivable that the United States would be able to support the peace operations in Darfur or Eastern Congo without utilizing contractors. The fundamental reality of peacekeeping and stability operations is that there are many humanitarian catastrophes that simply do not stimulate the necessary political will to inspire elected leaders to send their soldiers. In the back of every leader's mind is the question, 'can I justify the costs in money and potential casualties to the voters?' The private sector can carry out many of the relief operations that militaries would do anyway but at lower risk, less money, bringing former military expertise, employing locals and generating greater success for international goals.

Nevertheless there is much that a new president can do to ensure that the companies helping to carry out policies do so in a professional and ethical way – one that does not embarrass their client. While Washington is awash with advice for the new presidential administration, this is one task would ultimately save taxpayers millions in wasted or duplicative efforts, while ensuring that

the oversight and accountability are there to confirm that the government's contractors operate to the professional and ethical levels that taxpayers have a right to expect. Several initiatives have been proposed which offer an invaluable roadmap, including the report of the Gansler Commission, the Swiss Initiative's Montreux Document, and, it is to be hoped, the newly formed U.S. Commission on Wartime Contracting. Good oversight and accountability benefit the better companies too, which in turn benefit the policy results.

So no, it does not matter who wins the election. We wish them the best and hope to be able to do our part to ensure that their foreign policies succeed. We do predict that the international community will matter more than ever. The more that countries live up to their responsibilities as members of a larger community of nations, the more that they contribute to international peace and stability efforts, the more that governments pay attention to the quality of their policy results, the more that IPOA businesses will thrive. ■

The author is President of the International Peace Operations Association.

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IPOA Elects New Executive for 2009

Hank Allen and Pieter de Weerd to Lead IPOA into 2009-2010



Incoming Chair Hank Allen (left) and outgoing Chair Joe Mayo. Photos: IPOA

THE IPOA membership has elected a new Executive Committee (known as ExCom) to serve from November 1, 2008 through to October 31, 2009. Hank Allen of MPRI, who was elected Vice-Chair of the IPOA Board in October 2007, has been automatically elevated to the position of Chair for 2008. Pieter de Weerd of Medical Support Solutions was elected Vice-Chair for 2009, and will similarly automatically become Chair of IPOA on November 1, 2009.

Joe Mayo of EOD Technology, Inc. stepped down as Chair of IPOA after a successful year that saw the IPOA membership grow significantly. He also presided over a number of key reforms that have molded IPOA into

a more efficient and effective organization. Joe was also elected to serve a third successive year on ExCom.

Other members of ExCom returning for 2009 include John South of DynCorp International, who will be serving his second year on the Committee. IPOA is also pleased to welcome some new faces (and companies) to ExCom, including Tracy Badcock of Overseas Lease Group, Jeff Dakers of Security Support Solutions, and Mel Smith of Paxton International.

The ExCom again represents companies from different sectors within the industry, as well as representing companies large and small from the United States and overseas. ■

Hank Allen
MPRI
Chair



Pieter de Weerd
Medical Support Solutions
Vice-Chair



John South
DynCorp International
Deputy Vice-Chair



Tracy Badcock
Overseas Lease Group
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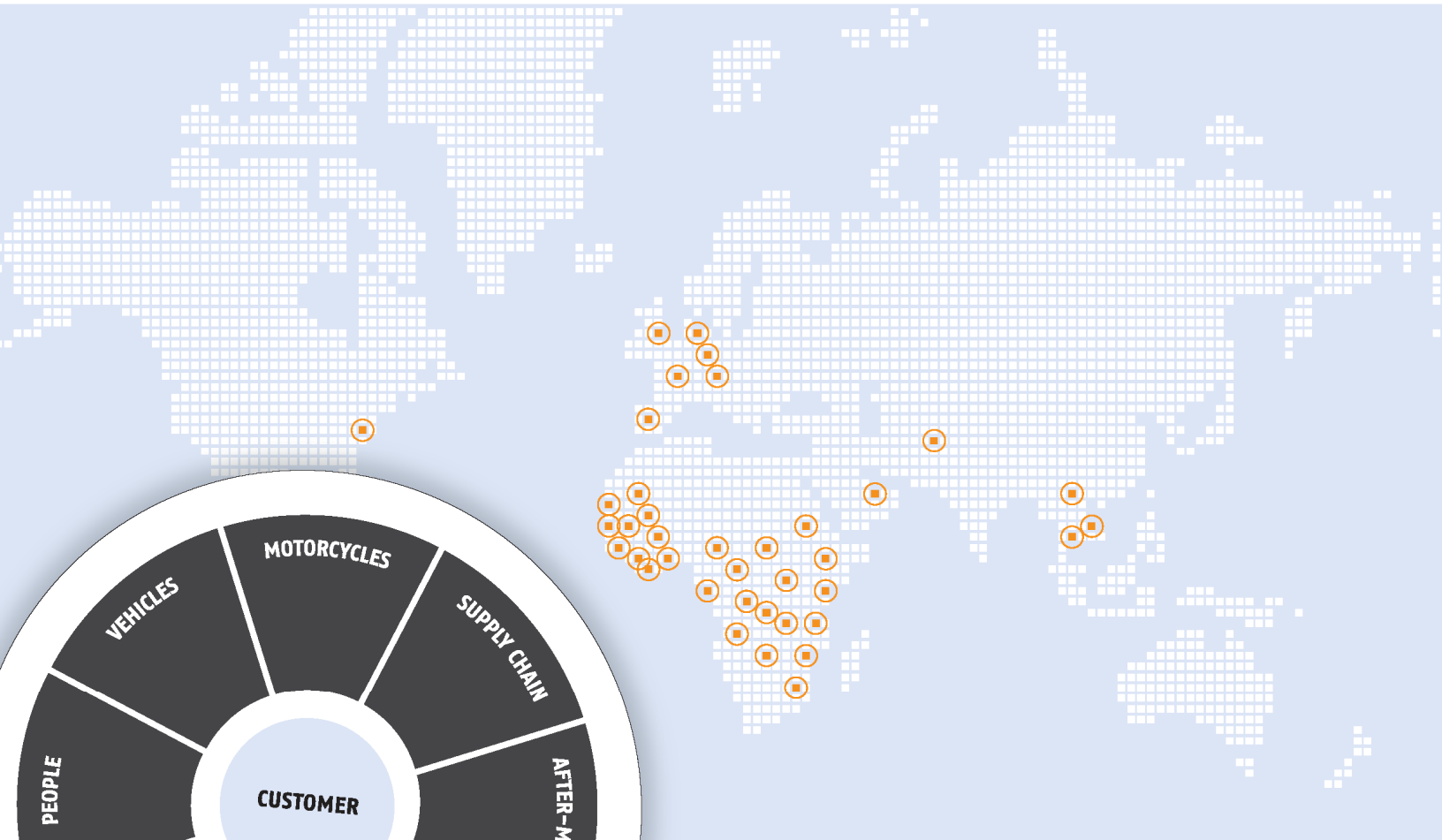
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The Swiss Initiative Comes Alive

Seventeen States Agree on How to Legally Deal With Private Security Companies



The fathers of the Swiss Initiative: Paul Seger of the Swiss Government and Philip Spoerri of ICRC. Photo: Marcal Izar/ICRC

AS is well known among readers of this journal, recent years have seen a remarkable increase in the demand for and supply of private military and security services in Iraq, Afghanistan and other troubled corners of the world. This expansion of private activity has not pleased everyone. Public criticism of private military and security companies (PMSCs) has risen along with their use, particularly in the aftermath of incidents involving ill-disciplined shoot-outs and aggressive detention practices.

From an international legal perspective, PMSCs and their personnel raise a number of controversial issues, such as their status under the Geneva Conventions, individual accountability for misconduct in different jurisdictions and the duty of authorities to survey and screen the actions of firms for potentially abusive behavior. To some minds, the impression grew that PMSCs operating in war zones somehow escaped the grasp of the law, with unacceptable consequences.

It is true that the two most pertinent areas of international law in such situations, international humanitarian law and human rights law, do not contain any specific rules governing the conduct of PMSCs. The Geneva Conventions and their Additional Protocols were conceived at a time when it was unusual for parties of a conflict to rely extensively on the support of private contractors. It is thus unsurprising that they do not contain any explicit rules on PMSCs. Likewise, major human rights treaties (such as the United Nations Convention on Civil and Political Rights of 1966) were negotiated above all for times of peace, not war. But at no point does this imply that international humanitarian law and human rights law do not have a bearing on PMSC activities. Its rules and principles do apply. The question is which ones, and in what manner.

It is against this background that the “Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to

Operations of Private Military and Security Companies during Armed Conflict” [1] – in short: the Montreux Document – is to be understood. The result of a joint initiative by the government of Switzerland and the International Committee of the Red Cross launched in early 2006, it asserts the application of 27 core international obligations of states, private military and security companies and their personnel operating in situations of armed conflict. In a second part, the document also contains 73 good practices for states, designed to assist governments in complying with these obligations through a series of legislative and administrative measures.

The responsibilities of three types of states are highlighted: contracting states (countries that hire PMSCs), territorial states (countries on whose territory PMSCs operate) and home states (countries in which PMSCs are based). Governmental experts from seventeen states [2] representing these categories, among them the ► 10

09 ◀ United States, Iraq and Afghanistan, worked together in the genesis of the document. Experts from states with a special interest in international humanitarian law and human rights law complemented the list of participants, together with representatives of the PMSC industry and the NGO community. This allowed for a well-rounded approach to the issue, drawing experience from actors and professions across the board.

The approach of the Montreux Document is deliberately pragmatic in three ways.

of previous actions. The Montreux Document does the same for the phenomenon of PMSCs.

Third, the Montreux Document is first and foremost created by and designed for states. It is clear that states are not the only ones to deal with PMSCs. International organizations, non-governmental organizations, and of course the private sector also rely on them. But this does not do away with the fact that states are still the primary subjects of international law, and that it is their responsibility to respect and ensure respect for this law. It is them that have the means at their disposal to enforce the

decides to draft an industry-wide code of conduct that goes beyond existing self-regulation efforts, to include effective accountability mechanisms. So the Montreux Document is worthwhile reading not just for government agencies.

For the PMSC industry, the major points of the Montreux Document are as follows.

First, PMSC employees must respect international humanitarian law the same way as regular soldiers or in fact anyone acting in relation to an armed conflict must. The Montreux Document clarifies that the personnel of

“ At least to some minds, the impression grew that PMSCs operating in war zones somehow escaped the grasp of the law. ”

First, the text is not an international convention. It does not create new law but simply recalls existing international legal obligations as they apply to PMSCs. There was general agreement among participants of the Swiss Initiative that seeking to draft a convention would have risked getting the process nowhere. It is also clear that the good practices part of the Montreux Document does not fit into a convention.

Second, the Montreux Document is premised on the acknowledgement that PMSCs are a fact of international life. The text provides guidance whenever a decision to use of PMSCs is at stake and deals with the legal and practical consequences of this decision. But there is no intention to confer or deny legitimacy. The reasoning is the same as with the Geneva Conventions in regard to the phenomenon of war; they apply whenever war commences, no matter the reasons given or the rightfulness

law. Moreover, at issue are the core functions of the state: the provision of security and the ability to commit resources to military objectives. The privatization of force has direct implications for the State’s monopoly on force. In this sense, it is also States that are primarily affected by the phenomenon of PMSCs.

Perhaps because of these pragmatic attributes, the Montreux Document is not only relevant for governments but also for the private sector. On the one hand, it contains some rules and principles that are directly applicable to PMSCs and their personnel. On the other hand, it gives a very concrete idea about what is expected of the private sector, be it as PMSC themselves or as firms that hire PMSCs. The International Peace Operations Association and the British Association of Private Security Companies have already expressed their support for the Montreux Document. It will certainly be of interest if the industry

PMSCs “are obliged, regardless of their status, to comply with applicable international humanitarian law.” Civilians are not to be subject to an attack; anyone taken into custody must be treated with dignity at all times; wounded and sick must be cared for; emblems and signals of the Red Cross respected; and unlawful orders are not to be carried out. The implications are very real on the level of criminal accountability. Employees of PMSCs are bound to be prosecuted for any war crimes committed. The same applies to superiors that ordered the commission of war crimes or fail to prevent such commission.

All participants of a concluding meeting of the Swiss Initiative held in mid-September, including representatives of the PMSC industry, recognized that impunity is an unacceptable proposition. PMSCs are thus well-advised to study international humanitarian law and to make its ethos their own. This is the minimum ▶ 12

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10 ◀ standard with which all parties to an armed conflict must comply.

Second, the Montreux Document suggests that the employees of PMSCs usually enjoy the status of civilians under the Geneva Conventions. This means that attacking them is illegal unless and for such times as they themselves directly take part in hostilities. It also means, however, that employees of PMSCs have no right to use force that regular soldiers have during armed conflict. The only situation in which they are allowed to use force is in self-defense or in defense of another person, as determined by the law of the territorial

recognizes duties that affect PMSCs indirectly. States have a legal obligation to oversee and control their conduct. Whenever governments rely on PMSCs in war zones, they retain a responsibility to ascertain that international humanitarian law and human rights law is upheld, and to exercise due diligence. Misconduct may even be directly attributable to States under a number of scenarios, such as when PMSCs act in a governmental capacity, or when they operate under the instructions, direction or control of the State. The implication is that the state cannot free itself from its responsibilities under international law that easily, and that in some cases

know is that the ultimate goal of these practices is to ensure responsible conduct in the field. Any PMSC should consider adjusting its internal policies to be compatible with the good practices described. They are bound to become more important.

These are just a few main points made by the Montreux Document. In sum, it calls for action that is realistic, straight-forward, and operational. It is bound to strengthen respect for the law – and thus to make a difference in future conflicts – in three ways. First, by correcting misperceptions and establishing a degree of legal certainty. Second, by inducing states to review



state. There are exceptions to this, such as when PMSCs are in fact incorporated into the regular armed forces of a state. But it is important to stress that, for all practical purposes, PMSC personnel are not combatants under the Geneva Conventions, and thus do not enjoy the privileges under that status.

Third, the personnel of PMSCs are subject to the law of the territorial state. Unless any special arrangements are in place in the context of, for example, a Status of Forces Agreement, they fall under the jurisdiction of the state in which they operate. Jurisdiction encompasses the full range of legislation, from criminal law and commercial law to constitutional law.

Fourth, the Montreux Document also

it would be in violation of its duties if it tried to do so. It is possible to outsource services but not to outsource core responsibilities.

Fifth, as mentioned before, the Montreux Document contains 73 good practices on how states ideally configure their dealings with private military contractors. For example, governments are advised to establish transparent licensing regimes so that only reputable companies are allowed in armed conflict environments. It is essential to have a staff vetting procedure, to train personnel in humanitarian and human rights law, to draw up standard operating procedures and rules of engagement that comply with the law and to set up internal procedures to discipline personnel who break the law. What is important for the PMSC industry to

and if necessary revise their policies vis-à-vis PMSCs. And third, by proposing specific measures on how and with what aspects in mind this could be done, based on lessons learnt. To make the Montreux Document known as widely as possible, it is now publicized and presented at the United Nations in New York. As the consensus on and support for it broadens among states, so can it be expected to fulfill its role in the context of present and future armed conflicts. ■

Endnotes

- [1] The Montreux Document is available at <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/montreux-document-170908>. It was finalised in Montreux, Switzerland, from 15 to 17 September 2008.
- [2] Angola, Australia, Austria, Canada, China, France, Germany, Iraq, Poland, Sierra Leone, South Africa, Sweden, Switzerland, the United Kingdom, Ukraine, and the United States of America.

Pirates Ahoy

The Increased Menace of Piracy and Failed States



The beleaguered crew of the *MV Faina* off the coast of Somalia. Photo: Specialist 2nd Class Jason R. Zalasky/U.S. Navy

ON September 25 a group of Somali pirates attacked and seized the *MV Faina*, a Ukrainian roll-on-roll-off ship. At the time she was carrying 33 T-72 tanks, armored personnel carriers, anti-aircraft guns, grenade launchers, munitions and spare parts bound for Mombasa, Kenya. After boarding her and settling on the ship the pirates demanded a ransom of US\$35 million and threatened to blow up the ship if not paid. After a short while the *Faina* was surrounded by several navy vessels, including a U.S. Navy Ticonderoga-class missile cruiser and the U.S. Navy destroyer *Howard*. Even a Russian missile frigate, the *Neustrashimy*, allegedly carrying special commando troops, joined in on the hunt. Even with several U.S. Navy helicopters and airplanes were flying over the *MV Faina*, the pirates kept unloading weapons and other equipment undisturbed.

According to a recent report by Chatham House (*Piracy in Somalia Threatening Global Trade Feeding Local Wars* by Roger Middleton) such acts

of piracy have more than doubled in the waters off the coast of Somalia during 2008. But this is not the only place where piracy has turned into a serious problem for maritime security. The International Maritime Organization, a U.N. agency, has been monitoring piracy since 1995 and releases annual and monthly reports on all acts of piracy and armed robbery against ships. Their conclusion is appalling. The problem is a global one, and an astounding 4,566 acts of piracy and armed robbery against ships have been registered since 1984. Most of these occur in the South China Sea, the Malacca Strait, East Africa, the Indian Ocean, South America and the Pacific Ocean. Even the Atlantic Ocean has its share of acts of piracy.

Contrary to popular belief, most acts of piracy are not committed by large groups sailing on fancy ships. Instead these modern day pirates operate in small groups of five to ten, navigating nothing but small high-speed boats. The pirates, quite different from the romantic version so popular in movies nowadays, are seldom heavily armed.

Rather, they carry only knives and small arms, even though the odd rocket-propelled grenade and heavy machine gun have been observed occasionally. In most cases, the pirates were going for the cargo and store rooms, not actually trying to rob either the crew or passengers. However, over the past five years at least 70 crew members have been killed while more than 500 were injured or assaulted. In addition, over 1,000 crew members have been either held hostage or kidnapped.

Besides the tragic fact that crew members are being killed and taken hostage, international shipping is also affected by these crimes in economic terms. Not only by increased insurance premiums (the Chatham House report points out that insurance premiums for ships plying the Gulf of Aden have increased tenfold over the past couple of years), but it could also mean that shipping may have to be forced to avoid certain areas and divert from the most dangerous places, a diversion that could prove costly to ship operators. ► 14



Pirates occupy the Ukrainian (Belizean flagged) vessel, MV Faina, off the coast of Somalia. Photo: Specialist 2nd Class Jason R. Zalasky/U.S. Navy

13 ◀ It is not only international shipping that is affected: Environmental hazards are one such neglected side effect of piracy. If, for instance, an oil tanker is targeted by pirates and set aflame, it could lead to an environmental crisis on a massive scale. Another often overlooked side effect is that the civilian and starving populations in poor countries such as Somalia are also influenced by it. The World Food Programme has for instance suspended food deliveries to the country because of these acts of piracy.

The Chatham House report posits five different options for solving the problems of piracy:

1. organize shipping into a safe lane;
2. provide a coastguard for Somalia;
3. establish a large naval presence;
4. pay no ransoms; and
5. do nothing.

Even if the author does not regard option five as a viable way forward, it certainly seems the one taken by governments.

Combined Task Force 150, which to a certain extent resembles option number three above, is primarily centered on counter-drug missions in the waters off the coast of Somalia

rather than the protection of international shipping. Combined Task Force 150, considered a part of *Operation Enduring Freedom*, consists of some 12-15 ships and is supposed to cover the vast area of the Gulf of Aden, Gulf of Oman, Arabian Sea, Red Sea and parts of the Indian Ocean. Even if the Task Force was able to monitor all ships within that area, the fundamental problem remains elsewhere.

A further significant challenge for authorities occurs when pirates board a ship and take the crew hostage. For any navy, a hostage and rescue operation on board a foreign vessel is a daunting task: All ships look different; they are large; they have cramped spaces; and they have the crew scattered in different places on board. All of which gives the pirates the upper hand to fight back any such attempt.

Beyond the list of five options proposed by Chatham House, there is arguably a sixth alternative open to international shipping companies and ship owners. Indeed, it is already being used by some companies: having security guards on board already from the start, to prevent pirates from entering the ship. It is of

course a drastic step, but the threat arguably necessitates it.

There are of course several problems connected to solving the problem in such a way. One is that most significant problems is that acts of piracy are actually committed on the territorial waters of sovereign states and not on the high seas (actually such a crime is defined as armed robbery against ships rather than piracy *per se*, but the result is the same). This means that armed security guards present a special problem in regard to the laws and jurisdiction of that sovereign state. And these laws are But it could probably be solved in the same manner as in all other cases where armed security and armed response is utilized by companies.

The sad consequence, if we end up with armed security guards on merchant vessels, is that it will constitute a sort of retrogression to the state of the late 18th or early 19th century when armed merchantmen and clippers sailed the seas in response to piracy. But if governments are unable to guarantee the safety of international shipping and seafarers, what else can be done? ■

Patrick Cullen

Private Security Head-to-Head Against Pirates

A Practical Answer to Protecting Commercial Shipping



Photo: Government of France

THE dramatic standoff between U.S. naval warships and Somali pirates demanding a \$20 million ransom for a hijacked Ukrainian ship loaded with Russian tanks has again focused the world's media attention on piracy in the Gulf of Aden. Understandably, given the severity of the piracy crisis—attacks in Somali waters have more than doubled since last year—it has also refocused government and private sector attention on finding solutions to this problem. As a result, a number of interesting public and private anti-piracy security developments have recently occurred.

From the public sector, two new multinational naval efforts to provide anti-piracy patrols have been established along the East-West corridor of the Gulf of Aden. On the one hand, a 'maritime security patrol area' has been set up to provide a shipping lane patrolled by a coalition of allied naval vessels as well as aircraft from Combined Task Force 150. On the other hand, earlier this week, the

European Union's anti-piracy office based in Brussels announced that two French naval vessels had been deployed to offer escort services to commercial shipping.

The creation of the maritime security patrol area and the EU escort service are clearly positive developments and has been welcomed by the international shipping community. However, some analysts remain skeptical of the ability of these public efforts to effectively provide security in the Gulf of Aden to commercial shipping in its entirety. Indeed, the limited ability of the multinational naval coalition to provide security for the sheer number of an estimated 20,000 commercial ships transiting the Gulf of Aden has been acknowledged publicly. One NATO commander expressed concerns over unclear rules of engagement, and the difficulty of engaging a ship suspected of piracy until they are already attacking a vessel—at which point it is too late to effectively intervene. As a result, the U.S. Vice Admiral Bill Gortney, the

Combined Maritime Forces Commander has stated that "the coalition does not have the resources to provide 24-hour protection for the vast number of merchant vessels in the region."

While this admission was not surprising in itself, his proposed solution for dealing with the threat of piracy has been. Noting that public security efforts cannot guarantee safety in the region, he told the media that "the shipping companies must take measures to defend their vessels and their crews," and went on to urge commercial shipping firms to employ their own security personnel to deal with the threat of piracy. British Commodore Keith Winstanley, Deputy Commander of the Combined Maritime Forces in the region, later publicly underscored these remarks, stating that these security measures "would include shippers considering hiring private armed security escorts."

These pronouncements have helped fuel a private sector demand ► 16

The author is an expert on the private security industry. He is currently finishing his Doctoral Degree at the London School of Economics on private security and is based in Manhattan, New York.



15 ◀ for—and the private sector provision of—anti-piracy security services in the Gulf of Aden. Traditionally, shipping companies operating on razor thin profit margins have chafed at any proposal that would raise overhead. However, faced with a choice between a reported tenfold increase in insurance premiums for transiting the Gulf of Aden or the massive cost (in time, fuel and ship lease prices) for re-routing their shipments around the Southern tip of Africa to avoid the piracy threat, some firms have already found a serious financial incentive for hiring private security.

By teaming with Lloyd's underwriters willing to reduce insurance premiums if a carrier has a private security element protecting their ship, private security companies have been able to market the high cost of their services (which can exceed \$50,000 per vessel per journey) as a cheaper alternative to sailing around the Cape of Good Hope.

One such private security company that has teamed up with a brokerage firm to offer security services designed to lower insurance rates in the Gulf of Aden is London based Hart Security. Mike Maloney, an insurance broker involved in the deal confirmed that Hart's ability to place an armed security team on board a client's vessel had convinced a number of underwriters to offer preferred rates to ship owners that took advantage of this service. Yet Hart is far from the only British private security company offering anti-piracy services in the Gulf of Aden. London based Maritime & Underwater Security Consultants claimed they are running anti-piracy escorts off of Somalia and a spokesperson for the South Korean shipping firm Hanjin confirmed that

they had hired ArmorGroup to provide security for one of their vessels transiting between the Suez and the port of Mombassa.

Last week, Blackwater Worldwide also announced an anti-piracy service for ships transiting the Gulf of Aden. Perhaps unsurprisingly, they have taken a slightly more proactive approach to the piracy problem. Tom Ridenour, the director of maritime security services for the private security company Blackwater Worldwide, said that while putting a security team on board a client's vessel may be part of the solution, this technique should also be supplemented with broader defensive security measures. "Ideally, an on-board security team would also be supplemented with a mobile private security force placed on small and fast interceptor vessels that could impose itself between the client's ship and the attacking pirates before they could pose a threat to the crew." The fact that Blackwater announced that their McArthur is ready to deploy—a refitted and modified 183 foot ship that comes equipped with precisely this kind of interceptor rigid inflatable boats as well as a helicopter—speaks to the kind of 'standoff' security concept this security firm plans to offer potential clients.

Others, however, remain skeptical of Commodore Winstanley's call for shipping firms to hire armed private security personnel for their commercial fleets. Cyrus Mody of the International Maritime Bureau voiced two perennial concerns with private security traditionally held in the shipping industry. "We feel putting weapons on board will only escalate the potential for violence." He also argued that this would open up an extremely complex legal issue ▶ 20

Peter Chalk

Maritime Violence, Crime and Insecurity

Nigeria – A Case Study



Photo: Airman Kathleen Gorby/U.S. Navy

17

THE Republic of Nigeria is rapidly emerging as one of the most important states in Africa for U.S. geo-strategic interests, not only in terms of “hard” security considerations pertinent to the global war on terror but also in respect of trade links and increasingly crucial fuel exports. Nigeria’s size and influence additionally gives the country considerable significance as a regional “giant” whose domestic politics and security can act as a force for stability or instability in the affairs of neighboring states. Unfortunately, the Republic is currently beset by a multitude of internal challenges spanning the spectrum from corruption, environmental degradation and unequal growth, to organized crime and terrorism. Many of these problems find clearest expression in the maritime realm, particularly the complex lattice of marshlands, estuaries and creeks that make up the Niger Delta – the most expansive wetland in Africa and the second largest in the world.

In 2007, a total of 42 actual and

attempted attacks were recorded in the country’s territorial waters. This figure nearly quadrupled the total for 2006 (12) and equated to almost 16 percent of the global tally (263) for the year. Nigeria has now surpassed Somalia as the most dangerous maritime region in Africa, with only Indonesia registering more incidents in 2007. The most high-risk zones in the country are the waters off Lagos and the riverine estuaries of the Niger Delta (particularly in the vicinity around Port Harcourt); last year, Lagos alone accounted for 25 incidents – over 20 percent of all attacks recorded for Africa during the twelve months .

In common with many other parts of the world, the true magnitude of maritime violence afflicting Nigeria is undoubtedly far higher than these figures suggest, largely because the majority of attacks – possibly as many as 50 percent - go unreported. Indeed ship owners are generally unwilling to alert authorities about any but the most egregious assaults on their vessels on account of the costs that

subsequent investigations and delays will necessarily entail (most of which are borne by the companies themselves) as well as due to a fear that acknowledging incidents will merely serve to raise maritime insurance premiums. The combined magnitude of these incurred losses would, in most cases, greatly outweigh those resulting from a piracy attack - which in cases of low-level theft, ransacking and hostage-taking generally represent two to ten percent of the value of the targeted boat and its cargo.

In terms of attack types, most incidents in Nigeria take the form of vessel boardings targeting ships that are either berthed or anchored. In 2007, 35 such occurred, resulting in 36 crew taken hostage and another 40 kidnapped for ransom. In most cases raiding parties were equipped with modern and impressive arsenals that included everything from AK-47, G3, FNC, FNC and FN FAL assault rifles to Beretta AR-70 and FNC light machine guns, anti-personnel mines and rocket-propelled grenades (RPGs). The extent of these ► 18

17 ◀ munitions reflect the general availability of arms across West Africa, many of which are procured from left-over stocks in war-ravaged parts of the sub-region (notably, Sierra Leone and Liberia), the black market or corrupt members of the security forces.

In addition, there have been numerous strikes against oil platforms, pipelines and well-heads, particularly in and around the Niger Delta. These attacks are typically carried out by organized militias and justified under the rubric of promoting political change. In most cases raiders use powerful, highly maneuverable speedboats - often equipped with on-

Principal Locations of Armed Maritime Attacks, 2007		
	Indonesia	43
	Nigeria	42
	Somalia	31
	Bangladesh	15
	Gulf of Aden, Red Sea	13
	India	11
	Tanzania	11

Source: IMB, *Piracy and Armed Robbery Against Ships: Annual Report, 2007*

an organized bunkering system composed of several independent “owners,” which while acting as ostensibly independent businesses, are part of one, inter-linked criminal system.

Nigeria has 4,049 kilometers of border to protect, 853 of which runs along the Atlantic coast. Problematically, however, the government only has 41 dedicated patrol vessels at its disposal, most of which are antiquated, in need of repair and, in some instances, have not been decked since the 1980s. Compounding these difficulties is a lack of appropriate craft for monitoring and intercepting suspicious vessel movements in the

“ Nigeria has now surpassed Somalia as the most dangerous maritime region in Africa, with only Indonesia registering more incidents in 2007. ”

board cannons - to quickly surround and overcome pre-selected targets in succession. These swarm-based tactics are aimed at full system disruption either by forcing the complete shut down of production or by delaying/halting on-going repairs.

Global shipping bodies have viewed the growing incidence of maritime violence in Nigeria as particularly worrying. Indeed in 2007, the International Maritime Bureau specifically warned mariners and ships bound for or transiting the country to exercise extreme caution and took the unprecedented step of officially writing to the central government to take appropriate action to address the activities of armed criminals and militias operating within its sovereign boundaries.

Organized maritime crime in Nigeria mostly takes the form of petroleum “bunkering” – a process that entails

tapping oil pipelines and extracting their contents onto barges for re-sale. Initially a relatively small-scale enterprise, this has since developed into a thriving “business” generating windfall profits that are both augmenting the threat potential of armed militias and depriving the state of a vital source of revenue.

In its original form, bunkering merely entailed siphoning off small amounts of liquid petroleum fuel oil from sabotaged pipelines that were then shipped to industry customers in large commercial centers such as Lagos. In most cases gangs operated on a demand-only basis, eschewing large-scale extractions due to problems associated with storage. The scale and sophistication of illegality changed, however, with the opening up of a market in crude oil and associated opportunities to sell to refineries. The greater profit margins that could yield has since led to the development of

Niger Delta, the operational heartland of militias seeking a greater share in the country’s oil wealth. Further vitiating the prospects for effective coastal surveillance have been increased U.S.-led demands on Nigeria to invest in expensive, territorially bounded homeland security structures post-9/11. While viewed as integral to the general thrust of counter-terrorism initiatives enacted across the Pan Sahel region of West Africa, such external pressure has necessarily competed with already limited resources for underwriting a functioning national regime of off-shore monitoring.

Armed maritime violence and crime have both impacted significantly Nigerian national stability. Ship boardings and hijackings have detracted from the country’s status as a viable and safe oceanic trading corridor, with ship-owners exhibiting growing reluctance to pay the ▶ 19



Fortunately Redbeard didn't have an outboard motor. Photo: Specialist 2nd Class Jason R. Zalasky/U.S. Navy

18 ◀ higher insurance premiums that are typically required for sailing in this part of the world. By further encouraging and entrenching what is an already serious problem of endemic corruption, attacks have also directly impinged on confidence and trust in elected officials, members of the armed forces and agents of law and order. However, it is the activities of armed militias in the Niger Delta that have arguably had the most profound effect. Not only is the Movement for the Emancipation of the Niger Delta playing an integral role in helping to normalize violence as an accepted form of social action, it is also directly impacting oil output. It has been estimated that as much as a fifth of Nigerian oil production has been shut down since the group launched its armed campaign of violence in 2006; the government, itself, admits to a drop from 2.6 million bpd to 1.8 million bpd. For a country held hostage to acute economic externalities that show no sign of mitigation, drops of such magnitude come at a considerable cost.

Nigeria remains important and relevant to the security calculations of the United States. Geopolitically it is the key state in West Africa and the principal anchor of the Economic Community of West African States (ECOWAS), meaning that it has a genuine potential to play a primary role in regional stabilization and general conflict mitigation efforts. This not only squarely accords with Washington's own emphasis on cooperative burden-sharing, it also helps to reinforce and legitimate American engagement in a region of considerable economic and business import. Being able to count on Nigeria as a loyal and stable ally, in short, provides the United States with a valuable sounding board for securing vital American national and foreign policy interests. If only to further its own strategic objectives and priorities, it would therefore seem critical that the United States focus on encouraging the emergence of a stable and resilient domestic context that is inhospitable to ethno-religious intolerance, intra-state violence and criminality.

Instituting a broad-ranging, pragmatic program of promoting internal governance, encouraging Nigeria to use its sizeable resources to alleviate economic marginalization and underdevelopment, boosting Nigerian coastal/port monitoring and interdiction capabilities through the provision of appropriate surveillance assets, training and technical support, and underwriting a well-defined program of security assistance will necessitate innovative, forward-looking and dynamic responses on the part of the United States. The trick will be to balance short-term expediencies aimed at securing American trade, investment, energy and security interests in West Africa with the more problematic and long-term challenge of pushing through the difficult internal reforms required of the Nigerian state. If managed aggressively yet carefully, a policy mix of this sort could help to realize genuine gains that both satisfy the foreign policy designs of Washington and help to showcase Nigeria as the model for Africa that it should be. ■

“ Armed private security on board vessels would not stop piracy – it would simply displace it. ”

16 ◀ regarding oversight over the use of force at sea. “Hypothetically, if an armed security team exchanged fire with pirates and someone was killed, who would be held accountable? Would it be the ship master, or ship owner, or the private security team? What jurisdictions would be involved?”

Dominick Donald of Aegis Defense Services agreed with these concerns, and also said that “more to the point, the use of armed private security on board commercial vessels would not stop piracy...it would simply displace it to other unprotected vessels.”

Private security companies acknowledge these concerns over escalation

and crime displacement. However, they have argued that the pirates have already escalated the situation with the use of RPG-7s and automatic rifles. Moreover, they have also argued that while it is the public sector’s responsibility to fight piracy, this should not restrict the private sector’s right to self defense or protecting its ship and crew. Still, the legal issues surrounding this security service remain a complex concern, and involve each stakeholder weighing the associated risks over and against the risk of piracy.

As yet, it is difficult to speculate on the extent to which the higher echelons of the U.S. and U.K. naval defense establishments have cogently considered a form of public-private

cooperation—or responsibility sharing—in protecting the private sector from piracy in the Gulf of Aden. Some U.S. naval analysts have suggested these calls from Western navies for private security are born more out of frustration with a mission they loathe taking on. Regardless, the ramifications this development has for the way security is provided—both for whom, and by whom—remain extremely significant. If the public sector’s unwillingness to eliminate this piracy threat is matched with a willingness to advocate responsabilizing the private sector with providing their own armed security solutions, we may yet witness the growth of public-private security cooperation on the high seas. ■

Mission Essential Personnel Profile

M ISSION Essential Personnel, LLC is a global services firm that focuses on language and intelligence support, global training programs, pre and post-mobilization support, special staffing programs, and expeditionary operational support.

Founded in 2004, Mission Essential Personnel has now emerged as a pre-eminent leader in support services in both conflict and post-conflict operations. Headquartered in Columbus, OH, Mission Essential Personnel has offices in Columbus, GA, Fayetteville, NC, Kabul, Afghanistan, Linthicum, MD, Lorton, VA and Mainz, Germany. Supporting the U.S. military and other federal agencies, Mission Essential Personnel has a growing roster of over 4,000 professionals; most of whom are former military and law enforcement

professionals, native speakers of critical languages, and mission support specialists with experience spanning the globe.

Because unit-training requirements have steadily grown, Mission Essential Personnel can augment battle and training staffs to allow leaders to participate in training, not manage it. Theater replication scenarios, mission readiness exercises, combat lifesaving training, large-scale role-player exercises, and foreign internal defense strategies are but a few of the services Mission Essential Personnel provides to allow units to immerse themselves in training with unity of effort and focus.

Intelligence and information operations are critical to the success of any unit. Mission Essential Personnel has strategic analysts, interpreters and translators (Categories I, II, and III), and engineers cleared up to the TOP SECRET/SCI level that can support distributed operations worldwide.

The company’s security experts are former diplomatic regional security and law enforcement officers, and special operations professionals. This team can help create a security strategy that prevents loss, reduces risk, enables swift incident response and containment, and provides layers of protection to valuable assets. ■



Mission Essential Personnel

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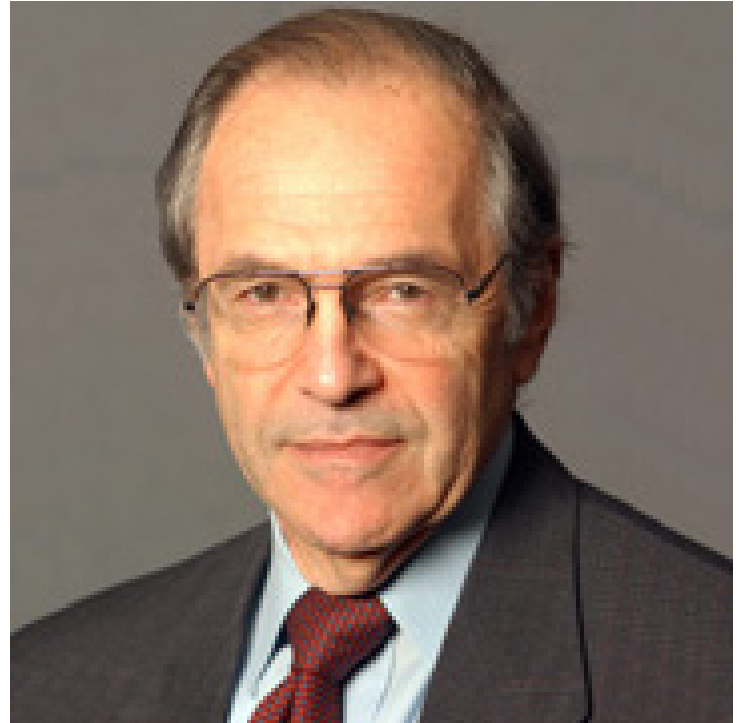
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Future Stability of Africa

An Interview with Ambassador Princeton Lyman



Amb. Princeton Lyman. Photo: Council on Foreign Relations

AMBASSADOR Princeton Lyman is a former U.S. ambassador to South Africa and Nigeria and former Assistant Secretary of State for International Organization Affairs. An Adjunct Senior Fellow for Africa Policy Studies at the Council on Foreign Relations, he directed an Independent Task Force that produced the report “More Than Humanitarianism: A Strategic U.S. Approach Toward Africa.” Ambassador Lyman has previously served as Executive Director of the Global Interdependence Initiative, Aspen Institute; Senior Fellow, United States Institute of Peace; Director of Refugee Programs, U.S. Department of State; Deputy Assistant Secretary of State for Africa; and Director of the U.S. Aid Mission, U.S. Agency for International Development, Addis Ababa, Ethiopia.

JIPO: As a former U.S. ambassador to Nigeria, what is your outlook on Nigerian energy security, particularly in the Niger Delta where attacks were carried out on several oil installations this year?

Amb. Lyman: Until recently my own view was that there was not enough incentive on the various parties to bring that problem in the Niger Delta under control. When oil was \$130-\$140 a barrel, the rest of Nigeria could say, “Yeah it’s a terrible problem but we are still taking in 50 or 60 billion dollars a year.” For the people involved in stealing and bunkering oil, it was a good deal too, so why settle? A lot of politicians in between were making a lot of money on both ends. Now that oil has come down to about \$70 a barrel, there may be more incentive for the parties to say “Ok, let’s sit down and find out how to

solve these problems.” You’ve got to have that incentive on all parties and I think the government of Nigeria is beginning to take it a little more seriously and to organize a little better to deal with it.

JIPO: Do you find linkages between piracy off the coast of Somalia and international terror organizations? What are the implications for International security?

Amb. Lyman: Actually I think it’s more a symptom of the problem of Somalia than a root cause of it. The paper I did has been published; it’s in *Africa and World Politics*, Volume 4. It just came out this summer. The piracy thing is a real problem for international shipping, but if it attracts more attention to the underlying problems in Somalia, then there’s a silver lining in it. The problems in Somalia go

much deeper. It isn’t the only source of support for the insurgents. They were getting support from various quarters before. The problem is we don’t have a significant enough peace process going in Somalia and that takes a shift in international opinion, including American opinion, to see if there can be a government in which at least some of the more Islamic extremists have a share in power. Not necessarily terrorists, but people who are now in the insurgency. It requires an agreement of course on the Ethiopian troop withdrawal

JIPO: What are your thoughts on the rift within South Africa’s ruling ANC Party and decision of President Thabo Mbeki to step down?

Amb. Lyman: First of all, on the significance of the events in ► 22

21 ◀ South Africa over the last month on both over Mr. Mbeki's resignation and the threatened rift in the ANC, I think its quite significant indeed. In some ways it's promising if it produces in the end, a balanced multiparty system in South Africa. Getting from here to there might be very messy and could be a worrisome process and the ANC leaders will try to do everything to prevent that from happening. The split also may put the more radical elements in charge of the ANC, which is not that good either. I think we're in for a period of a good deal of uncertainty between now and the election in April. We will have to watch and see what happens.

JIPO: *What implications do you feel this will have for regional stability? In particular, how do you think this may affect the Zimbabwean crisis?*

Amb. Lyman: On Zimbabwe, I think the agreement that was negotiated earlier was very fragile to start with and I think it's continuing to be very fragile and I'm not very optimistic about it being implemented. I think it's a major challenge to the Southern African Development Community (SADC) and I think the countries of the region are really going to have to decide about what to do about this. I think it would be helpful if they found a new mediator. I think Mr. Mbeki's in a very awkward position to continue the mediation. It's hard to imagine him bargaining with Mugabe, when Mugabe says to him in effect, "I'm still in power and you're not." I think it's best to take a fresh approach. The real problem is that the hardliners around Mugabe are really not ready to compromise and they're not going to be ready to compromise unless one of two things happens: there is a trust building between them and the opposition that makes them feel that they're not going to lose



Former S.A. President Thabo Mbeki Photo: SADFA

everything, like power sharing. That would take some time and some effort; or, if the SADC countries would really put the squeeze on Zimbabwe with a real trade embargo on it and cut off the money these people are making and force them to compromise. Without either of those things I am not optimistic.

JIPO: *Festus Mogae, the former president of Botswana was awarded the second annual Mo Ibrahim Prize on Leadership for his work in governance. Can Botswana's success as a mineral rich country, but yet free of conflict, serve as a model to the rest of the countries of the continent?*

Amb. Lyman: Botswana is a wonderful country; you can't get away from it. They have a functioning democracy and they managed their diamond wealth very responsibly. But they're a small country: A largely, though not entirely, homogenous population with a very astute leadership. It's hard to say it's a model for all the other countries, though certainly in the management of wealth, people can take a lesson from them. But it's a much less complex country lets say than Nigeria, for example. Festus Mogae is really a very fine leader. He's playing now a very active role in the group of former presidents of Africa and particularly regarding HIV AIDS.

JIPO: *Given the role of the private sector in Botswana, what are your views on the role of the private sector in sustainable development in Africa?*

Amb. Lyman: The private sector is playing a very important role in Botswana as well. Botswana is a major partner with De Beers and the diamond industry and in building up the secondary aspects of it in Botswana. There's a very good partnership there. I think that is a kind of a model you would like to see elsewhere, good responsible government and good responsible private sectors working hand in hand. We don't have that in a lot of places. That kind of model, I think is important.

JIPO: *In a new report this week, the International Crisis Group is warning of a possible outbreak of renewed civil strife in Southern Kordofan. With national elections scheduled for 2009, do you see an already fragile Comprehensive Peace Agreement (CPA) implementation process being complicated further?*

Amb. Lyman: I think the CPA is terribly important and I think it's got prospects for success, but its going to take a lot of work on all the parties. I think a stepped-up international involvement to support the process as much as possible. I don't think that the Khartoum government sees the elections the way some of the international observers did, which is to broaden out the power base. I don't think that is what the government of Khartoum is looking for at all. For the government in the South, it would be a test of whether they really can, in a much more joined government, solve some of the issues they have over Abyei and other issues. If that election doesn't produce a better functioning government, I think a settlement in the South towards independence grows ▶ 28

Why Can't We All Get Along?

Discordant Harmony from Civilian and Military Agencies in Humanitarian Assistance



UN Medical Outreach in Kopo, Liberia. Photo: Eric Kanalstein/UN

TOO often in humanitarian assistance operations, different organizations have different objectives, dissimilar approaches and insufficient resources. Non-government organizations have strong ethical commitments to neutrality, impartiality and independence, which may be incompatible with political and military objectives to maintain order and support the governance structures. In environments of post-conflict recovery or disaster relief, however, there may be ways these different actors can cooperate to achieve common goals of saving lives and alleviating suffering. One successful method is integrated medical outreach. This cooperative effort is used in Liberia and enables other coordinated activity.

In Liberia, “medical outreach” was a U.N. Military operation to build trust and confidence of the population toward the United Nations. The intent was to provide medical care for remote and underserved areas of the

country with no functioning health care facilities. The planning of these operations fell to a U.N. civilian component, the Humanitarian Coordination Section (HCS). This experience opened the possibility of an integrated operation: the HCS and military staff (G-5) working together to team the capabilities of the U.N. military force and civilian staff, the Liberian Ministry of Health, and NGOs. This could only be possible, however, if the outreach transformed from being military-led to civilian-led operations.

The location for this first combined medical outreach was selected by the HCS and U.N. Civil Affairs section: the village of Glofaken in an isolated district of Maryland County. The local HCS office engaged the health sector NGOs and County Health Team while the Chief of HCS and the G-5 worked with NGO country directors to ensure respect for their concerns and humanitarian principles. The cooperative effort produced a team including U.N. military medical and

security, the county health team, the Liberian Red Cross, the Liberian NGO Merci and the International NGO MERLIN. German Agro-Action provided impregnated mosquito nets to be distributed in association with the outreach. The venue was a high school and the village residents and the school principal assisted in making the school ready for the outreach. Notification of the outreach was disseminated through the County Superintendent’s Office and U.N. radio. Written notifications were posted on the village assembly halls throughout the area. The team arrived at the appointed time using a combination light truck, motorcycle and helicopter airlift.

The mission manager was a civilian from regional office Humanitarian Coordination Section. The Chief of the HCS and the Military Force G-5 Chief were also present to observe and, if necessary to reinforce the authority of the mission manager. Effective preparation in the ► 24



Locals receive medical treatment from a Chinese UN team in rural Liberia. Photo: Eric Kanalstein/U.N.

Coordination is essential at the local level, where the local population is directly affected, but it cannot occur without communication and understanding at the national level.

23 ◀ planning phase of the operation nearly eliminated the need for such intervention -- any leadership activities performed by the two Chiefs were in response to specific requests from the mission manager. Perhaps their most important role was to set the example of subordinating rank and authority to the civilian charged with executing the mission. Certainly the picture of a senior civilian official of the U.N. and a full colonel of the U.S. Army unloading 50 bales of mosquito netting reinforced the image of support rather than privilege.

The effects of this first coordinated mission extended past the immediate event. The response of the population to the medical outreach was overwhelmingly positive, demonstrating to the people of a remote district that they had not been forgotten by their government or the U.N. Integrating

the country health team into the outreach helped build local government capacity. Some diseases observed, such as river blindness, came as a surprise to health officials at all levels and assisted the Ministry of Health in strategic health care planning for the region.

Finally, it showed that government agencies, local and international NGOs, and U.N. military and civilian staffs could work together without compromising the principles of any participating agency. The lessons observed from this mission were incorporated into subsequent operations elsewhere in Liberia. One month after this outreach, there was a cholera outbreak in Maryland County. The teamwork that had been established, locally and among the U.N. staff and NGO country directors in Monrovia, enabled quick team building and

cooperative approaches to respond to the outbreak.

Combined medical outreaches in Liberia provide one example of NGOs and military cooperating at the local level. Success depends on mutual understanding of the goals, objectives, cultures, resources and limitations of each of the participants. Such coordination is essential at the local level, where the local population is directly affected, but it cannot occur without communication and understanding at the national level. Military forces must work in support of civilian leadership, even when military resources and capability far exceed the civilian component. Missions, such as these medical outreaches, can set the stage for future cooperation, whether in response to crises or as a baseline for long term integrated relief and development programs. ■

United Nations Peacekeeping at 60

From UNTSO to MINURCAT,
the U.N. Continues to be the
World's Crisis Hotline



UNTSO personnel study a map with their Jordanian counterpart in 1959. Photo: UNTSO

MAY 1948. Amid the failed attempts to find a Palestinian partition plan acceptable to all parties involved, the Arab-Israeli war breaks out. The United Nations Truce Supervision Organization (UNTSO) is sent to monitor cease-fires and supervise armistice agreements. It is the first ever U.N. peacekeeping operation.

Fast-forward to September 2007. With armed groups threatening security and humanitarian operations and regional stability in Eastern Chad, Northeastern Central African Republic and Western Sudan, the United Nations Mission in the Central African Republic and Chad is established by the Security Council. Its responsibilities range from assistance in setting up national police units trained in humanitarian issues and contributing to a secure environment, to relocating refugee camps and promoting human rights. It is the latest in a long line of U.N. peacekeeping operations.

Since that first mandate 60 years ago,

U.N. peacekeeping has undergone successive changes and developments, evolving as the international community's understanding of the complexities and delicacies involved in peacekeeping and stability operations increases. To date, 63 peacekeeping operations have been conducted. At present there are close to 20 ongoing missions with over 100,000 military and civilian personnel worldwide serving in these operations.

The difference between the first peacekeeping operation in 1948 and the latest missions is stark. UNTSO's mandate consisted merely of observance of the ceasefire and the armistice agreements. UNAMID's mandate is rather more comprehensive, including security, rule of law, human rights, governance and humanitarian assistance. These changes to peacekeeping operations are a product of increased demand in the international community for multi-dimensional approaches to peace and stability.

Of course, the greater our under-

standing of the difficulties inherent in U.N. peacekeeping, the clearer the inherent faults. Despite their many great efforts, U.N. peacekeeping capabilities are currently stretched thin and are increasingly challenged by the growing expectations for more complex and comprehensive peace operations. It is the constant goal of the organization to strengthen and improve its operation capabilities and effectiveness, but it suffers from a severe lack of cohesiveness, and steady and reliable contributions from member states. There is often a striking gap between the international commitment and contribution stated in a Security Council resolution, and the actual supplied when it comes to implementation. Governments tend to be wary of contributing heavily to U.N. peacekeeping operations, especially personnel. If the mandates fail, or if too many lives are lost, the political damage caused can be irreparable.

One of the more significant obstacles in the way of effective peacekeeping is the issue of rapid deploy- ► 26



Danish and Norwegian contingents Southwest of Ismailia, Egypt in 1956. Photo: UNEF I



Turkish Cyprus, 1964. Photo: UNFICYP

We all too often like to concentrate on the failings and inadequacies of U.N. peacekeeping. But we should take note of their successes.

25 ◀ ment. When the U.N. has to gather different personnel and equipment with each new crisis, this chews away at their response time. Constantly varying sources and varying quality and quantities of resources also increase the difficulties in coordination and efficiency. Not only are personnel often slow to be deployed, but equipment from varying sources and eras often lack interoperability. This issue remains unresolved, as most suggested solutions—most notably that of providing the U.N. with a separate force on standby—are surrounded by controversy and heated debate.

To some of these problems, however, there are possible solutions, many of which were proposed by the Brahimi Report published in 2000. These reforms focused primarily on improving the structure and management of the U.N.'s response mechanisms. To facilitate the growing expectations of peace and security operations, the configuration of peacekeeping operations was further restructured last year. While the Department of

Peacekeeping Operations retained active responsibility for mandates and operations, the Department of Field Support was set up to handle support roles — their responsibilities cover logistics, communication and information, field budget and finance, and field personnel divisions. This separation of roles demonstrates the U.N.'s ongoing efforts to identify and adapt to the multi-faceted nature of their operations.

It is perhaps surprising that it was not until as recently as March this year that operating procedures for peacekeeping were standardized and published. Previously, new rules and regulations were agreed upon with each individual mission. This document took the experiences of men and women serving in the peacekeeping field and published them for the benefit of both planners and practitioners. With these new principles and guidelines, knowledge and experience in peacekeeping can continue to improve, and as Peacekeeping operations expand and develop, the international community can continue

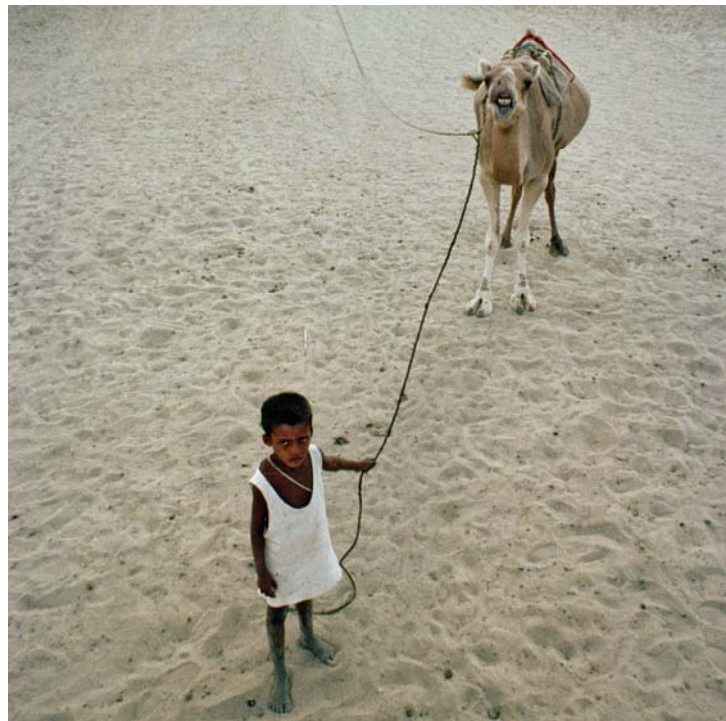
to learn from previous missions and build upon them. The published principles and guidelines are a positive step forward, addressing the need for a clearer articulation of the doctrinal foundations of U.N. peacekeeping operations in light of the shifting nature of conflict.

We all too often like to concentrate on the failings and inadequacies of U.N. peacekeeping operations, but as we look back in this, their 60th year of peacekeeping, we should take note of their successes. U.N. peacekeepers have enabled people in over 45 countries to participate in free and fair elections, and have helped disarm more than 400,000 ex-combatants in the past decade alone. The U.N. remains the dominant, most relevant and most widely respected peace and stability actor, more so than any other international or regional organization. This makes it invaluable to the international community. Just by the mere presence of U.N. blue helmets, legitimacy is added to a cause. The strength of that legitimacy should by no means be underestimated. ■

Ambassador Herman Cohen (Ret.)

Security vs. Democracy in Mauritania

A Dilemma for U.S. Foreign Policy



But can you lead a country to democracy...? Photo: J.P. Laffont/UN

IN the east-west belt of countries in the African Sahel, immediately south of the Sahara, the Islamic Republic of Mauritania is the western-most anchor. During the past three years, Mauritania has, on several occasions, been the target of terrorist attacks by elements of Al-Qaida in North Africa. These attacks have been against military outposts, foreign embassies in the capital of Nouakchott and foreign tourists hiking in the interior. It goes without saying, therefore, that Mauritania has been an enthusiastic participant in various U.S. military assistance and training programs designed to enhance the country's ability to counter the terrorist threat.

Parallel to the rise of the terrorist threat in Mauritania, the country has undertaken an interesting experiment in democratization. As of August 2005, Mauritania continued to suffer from a 25-year, one-man dictatorship that was increasingly repressive and increasingly corrupt. The senior military leaders attempted to persuade

their aging president to announce his retirement because they feared a rise in popularity for Islamist extremism. The president refused. So, when he left the country for an international conference, his senior military commanders executed a bloodless coup, and set up a military council to govern the country.

After the August 2005 coup, observers expected yet another military regime. But the outcome was totally different. The military council promised, and carried out, a transparent and totally free transition to fair and honest multiparty elections. Within 20 months, a new constitution was written, local, regional and presidential elections were held, and a totally new civilian regime was installed. The media has become totally liberalized. The new president, Abdullai Al-Sidi, had spent much of his professional career outside of Mauritania as an economic adviser to governments in the Gulf and in other Sahel countries, mainly Niger. Therefore, he had the benefit of being

untainted by prior corrupt politics. The international community observed the transition in Mauritania with fascination and admiration. With the inauguration of a democratically elected President, Mauritania had become the role model for democratization in the rest of Africa. Observers had pronounced the transition virtually perfect.

Sixteen months after the inauguration of President el-Sidi, and exactly three years after the initial military takeover in August 2005, the armed forces again ousted the civilian government, and returned to rule by military junta. Why did this happen, and did it represent a failed experiment in democratization?

According to most observers, President Al-Sidi turned out to be a total incompetent. He was a weak head of state who was easily manipulated, especially by his wife who wallowed in corruption. The president lost the confidence of Parliament, and took decisions that endan- ▶ 28

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27 ◀ gered national security. He allowed the formation of Islamist political parties despite the fact that religious-based parties had always been prohibited. He released imprisoned suspected Islamist terrorists who then proceeded to kill four French tourists and bomb the Israeli embassy. He was unable to cope with massive increases in food prices. The final straw was his attempt to fire the military high command and replace them with non-military civilians. He also used his constitutional power to prevent parliament from meeting and introducing a bill of impeachment.

Unfortunately, Mauritania became the victim of its own success. Having achieved such high marks for its wonderful democratic transition, Mauritania was roundly condemned for the coup by the entire international community, including the

African Union that had long before declared military coups against civilian governments to be the worst of crimes. Virtually all international development programs were frozen, including those of the European Union, the United States, and the World Bank.

The new military council pointed out that none of the democratic institutions were changed as a result of the coup. The constitution, the parliament, the court system, the free media and freedom of movement are all intact. Only the chief executive had been ousted and was living under luxurious house arrest.

As of October 2008, the military junta was preparing for new national consultations to develop a system that would diminish the power of the president to interfere with Parliament.

A new transition to free and fair presidential elections has been promised. The international community remains skeptical and pessimistic. Foreign aid remains suspended. Mauritania is in a state of deep isolation. As one American senior official told me, in democracy you can't have a second bite of the apple if you did not like the first one.

The dilemma for the United States in Mauritania is that military cooperation is also suspended. So which is more important, the ongoing fight against Islamic terrorism from Al-Qaida, or the protection of the Mauritanian people from a reversal of democracy? So far, the advocates for democracy are winning the bureaucratic battle. But just wait until the next terrorist attack and see what happens to the policy. ■

The Future of Stability in Africa

22 ◀ substantially toward the 2011 referendum.

JIPO: The decision by the International Criminal Court (ICC) prosecutor to indict the president of Sudan has raised concerns about politics shrouding its work, and placed doubt in the notion of pursuing justice as a prerequisite for long-lasting peace. What is your perception on that?

Amb. Lyman: I have friends and colleagues who follow Sudan very closely and I find them sharply divided on the implications of the ICC indictment. Some think it's a very necessary pressure that can be used to pressure the Khartoum government and another expert I know thinks it's the worst possible thing for the comprehensive peace process. So you have very divided opinions on it. My own view is that it can be useful if the court and the international commu-

nity and the various elements know how to play good cop-bad cop. The idea is the ICC is the bad cop but the good cop says, "Maybe we can get it deferred if we move forward on some of these other things." It takes a lot of sensitive work from all the parties. If you do it that way, you can use the indictment as a positive development with Bashir. We need a little more African support on this. The Africans are simply taking a position that it ought to be deferred. They are not offering more support on the peace process. The good cop has to be working hard on the peace process in order to send off the bad cop.

JIPO: With a new U.S administration taking office in 2009, what wide-ranging issues do you believe the new administration must give particular consideration to, when formulating foreign policy with regards to Africa?

The three great crises that should be on everybody's agenda are Sudan, Somalia and Congo. They are the last major conflicts on the continent and they're taking a terrible toll and none of them are easy to deal with. They are going to need constant high-level attention. The second thing is to look with the Africans at the future of the African Union. We are losing two of the strongest forces behind the African Union's development; President Mbeki and former Nigerian President Olusegun Obasanjo. The question is where the leadership going to go in Africa to keep moving the A.U. into a strong organization on behalf of peace and democracy. Right now it's not clear where that leadership is going to come from. I think that ought to be to on our agenda with the Africans and how we can promote that process. ■

J. J. Messner

Implementing High Ideals and Aspirations

Implementation Toolkits are an Important Step in Ensuring High Standards in the Field



And my standards are worth examining, too. Photo: Christian Lagereek

A few weeks ago, the Fund for Peace hosted an important session of the Human Rights and Business Roundtable in Washington, D.C., that focused on the launch of a new, breakthrough document: "The Voluntary Principles on Security and Human Rights: An Implementation Toolkit for Major Project Sites."

The Toolkit, authored by Don McFetridge, is a significant and laudable attempt at providing guidance for companies to implement the Voluntary Principles on the ground. The Toolkit is multi-faceted, but generally splits into two primary categories – how to implement the Voluntary Principles into internal company processes and how to implement them with external actors.

Internally, the Toolkit outlines a process for companies to develop their own implementation process for the Voluntary Principles. It then addresses the risk-assessment elements of the Voluntary Principles,

in particular focusing on how the Voluntary Principles expand an average company's general risk assessments to include issues such as human rights and community issues. It also takes into account the integration of the Voluntary Principles into the management system of a company, and in particular how the spirit and obligations of the Voluntary Principles should play a role in management decisions and general corporate culture. Externally, the Toolkit takes into account relations with security issues, both public and private. Firstly, it deals with how companies should interact with local police forces and military and secondly, how companies should engage with, and oversee, private providers of a company's security in the field. There is also guidance on ensuring stakeholder understanding and support of a company's efforts to abide by the Voluntary Principles in managing security and human rights.

The Toolkit is clearly one of the most significant developments in the

history of the Voluntary Principles, and a fairly significant advance, more broadly in the realm of internal industry regulation and corporate social responsibility. It represents a serious attempt from both the extractive companies and industry stakeholders (the report was funded by the World Bank Group's Multilateral Investment Guarantee Agency, or MIGA, in partnership with Anvil Mining) to make sure the Voluntary Principles evolve from merely being a series of ethical aspirations to being meaningfully implemented on the ground, where ultimately they can do the most good and matter the most. There are so many who sit back and whine about the exploits of extractive companies; the Voluntary Principles, and in particular, the Toolkit, represent a serious effort by industry stakeholders to focus their energy into actually making the industry a better global citizen.

The role that the Voluntary Principles plays in the extractive industry ► 30

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29 ◀ is not all that different from the role that the IPOA Code of Conduct plays within the private peace and stability operations industry. Indeed, one of the greatest and most often voiced criticisms of the Code of Conduct – from both companies and stakeholders alike – is that the Code lacks detailed implementation guidance. These ethical standards exist within the Code of Conduct, but there is no substantive advice on how a member of IPOA can best achieve those standards in their day-to-day operations in the field. The need for such guidance is perhaps even more urgent for the Code of Conduct, given its actionable and enforceable nature. Could a member of IPOA one day fall afoul of the Code of Conduct simply because it did not understand how its conceptual terms should be implemented practically? Perhaps.

Of course, the Code of Conduct is an organic and continually evolving document. Indeed, the IPOA Standards Committee is currently examining how best to expand and improve the standards contained within the Code. In September, IPOA held its first-ever Code of Conduct

Convention, where delegates of the Standards Committee, along with stakeholders including NGOs, government and academia, came together to devise improvements to the Code. From this landmark Convention, a significantly enhanced Code is emerging that will better address issues of import to the industry. The participation of IPOA's member companies in the Code of Conduct Convention, and enhancing the Code itself, is testament to their commitment to ever-improving the ethical standards in an industry that, by its nature, sometimes faces serious risks and dangers.

Furthermore, the commitment to the IPOA process of a certain number of NGOs and other observers is both valuable and encouraging. Indeed, the vast majority of proposed amendments and expansions to the Code of Conduct are at the suggestion not of IPOA's member companies, but rather other industry stakeholders. Again, there are those that simply sit back and whine about the industry, and never accept any invitation to take part in the process of improving the industry. (Clearly, when your own stakeholders fund you to whine about

the process, it is probably bad for business to make the subject of your whining any better.) But then there are those stakeholders who take the time and effort – and risk the ire of more bombastic colleagues – to involve themselves in making the industry better and more ethical. They may not always agree with the industry, but they are prepared to put aside ideological differences, and work towards the common objective of improving industry behavior.

The role of companies in the private peace and stability operations industry, like the extractive industry, is indispensable. And neither industry is going to disappear anytime soon. It is popular – and for some, even lucrative – to sit back and whine about oil companies or private security. But the real support and kudos should be going to those companies and industry stakeholders that put aside their ideological differences and turn their efforts towards the harder (and less visible) work of actually making a difference. Whining simply produces hot air. Positive action produces seminal documents like the Voluntary Principles Toolkit. ■



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No Cushioning for Contractors in Iraqi SOFA

Delayed Agreement Could Wreak Havoc on Coalition Forces



Iraq is taking over more of its own security, but the U.S. presence remains a necessity. Photo: Gunnery Sgt. Mark Oliva /USMC

WITH the United Nations mandate expiring on December 31, U.S. and Iraqi negotiators have, since March this year, been negotiating a Status of Force Agreement (SOFA). The SOFA will replace the U.N. mandate and addresses the issues of: legal jurisdiction over U.S. troops and immunity for possible crimes; a timeline for U.S. withdrawal from the country; and the prohibition of U.S. forces to detain Iraqi citizens without an Iraqi warrant. Any detainee would have to be handed over to government custody within 24 hours, and except during certain combat situations, an Iraqi warrant would be required for home and property searches.

Thus far, the two parties have agreed to joint control of airspace and providing the Iraqis a voice in U.S. operations and detentions. Additionally, they have agreed that U.S. combat forces will draw back from Iraqi cities by June 30, 2009 and fully withdraw from all of Iraq by the end of 2011, unless asked by the Iraqi government to stay. A gradual withdrawal timeline is essential

because Iraq's security forces still require U.S. support to guarantee the security gains of the past year by preventing a reversion to insurgency.

The main point of contention is on the legal jurisdiction over U.S. military personnel and contractors accused of crimes in Iraq. BBC reported that the nearly finalized pact will grant Iraqi judicial authorities limited ability to try U.S. troops and contractors for major, premeditated crimes committed off-duty or off-base and only then, if a joint U.S.-Iraqi committee agrees. Another central Iraqi demand was to make U.S. private security companies and other contractors subject to Iraqi justice in criminal cases. The Senate Armed Services Committee Chairman Carl Levin framed the issue well, stating, "U.S. service members cannot be subject to criminal prosecution in an Iraqi judicial system that does not meet due process standards."

The SOFA was presented to the Iraqi Political Council for National Security on October 17, and is now with Prime Minister al-Maliki's cabinet for any last minute amendments. Finally, the

agreement will be sent to Parliament for approval. The accord only requires the signature of the U.S. president whereas in Iraq, it must have the majority approval of the 275-seat Parliament. Moqtada al-Sadr, a radical anti-Western cleric, and a bloc of supporters have openly opposed any agreement while some Shia political groups are still hesitant to endorse the pact. The actual draft has not been made public nor has it been unveiled to the U.S. Congress and many are still waiting to see the text before expressing their support or objections.

If the bilateral agreement is not signed by the end of this year, U.S. troops will lack the legal authority to remain in Iraq. As a result, all combat operations will have to come to a halt and U.S. troops may be confined to bases on January 1. In that case, a possibility would be to extend the current U.N. Resolution. That would require a Security Council vote however, which would likely be vetoed by Russia. The lack of a final agreement would pose legal and political complications for both Iraq and the United States. ■



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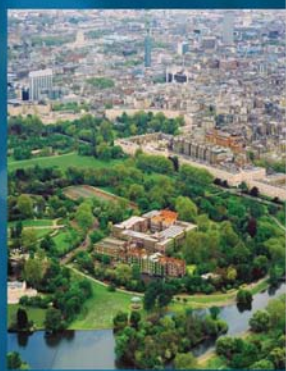
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