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# INTERNATIONAL CODE OF CONDUCT FOR PRIVATE SECURITY

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Doug Brooks

# Squandering the Potential for Success

## The training crunch and long-term stability



*Much work still to be done in Kandahar.  Photo: NATO*

HAILED as one of the most effective U.S. training programs to date, the African Contingency Operations Training and Assistance (ACOTA) program has been in operation in Africa for eight years.  ACOTA, run by the Department of State, praised by many in Congress, and conducted by private contractors working in cooperation with U.S. military officers, has trained more than 100,000 African peacekeepers in skills that have been put to good use in international peacekeeping missions in places like Liberia, Sierra Leone, Sudan and even in the remarkably difficult and dangerous Africa Union operation ongoing in Mogadishu.

African peacekeepers still require logistics and other support, but they are conducting missions with a level of professionalism and capability that would have been impossible just ten years ago. The 2003 Liberian intervention in particular has been an unheralded success story of U.S. peacekeeper training in Africa – training largely provided by private contractors.

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At a 2003 dinner, IPOA (as ISOA was known at the time) hosted the Deputy Assistant Secretary of Defense for Africa, Theresa Whelan who discussed the role of contractors in her Africa operations.  While she emphasized that her increased utilization of contractors was a result of realities of the post-9/11 world where U.S. military personnel who might have completed such tasks in the past were required elsewhere, she highlighted the enormous value and effectiveness that contractors brought to training programs. Although Whelan stressed the prestige factor related to direct training by uniformed military, especially Special Forces, she noted that contractors ensure excellent quality of training by enlisting retired military or reservists as trainers.

Unfortunately, Africa is far from Afghanistan both geographically and politically.  Too many in Congress assume that a 24 year old sergeant temporarily assigned to a training mission has the same skills, experience and capabilities as a 44 year old retired sergeant major who conducts international training full time for a private firm. Worse, setbacks stemming from the complexities and confusion of international coordination have squandered years that could have been put to good use in training a professional military and

police force. Little choice now remains but to play catch-up. Political impatience has forced military trainers and contractors alike to squeeze several months of training into eight weeks – and later a ridiculously unrealistic six weeks.  The program appears to have capable leadership, and we have seen recent improvements and some successes, but it may be too late given the realities of domestic U.S. politics.

On December 13, 2010, ISOA hosted a discussion with Lieutenant Colonel Brian Lamson, chief Strategist for the Deputy Commander, Police, NATO Training Mission in Afghanistan, and Robert Perito, Director at the Center for Security Sector Governance and author of *The Police in War: Fighting Insurgency, Terrorism, and Violent Crime* (with co-author David Bayley).

While the two voiced significant disagreement over the training's objectives and the role of the police during a counterinsurgency, it was also clear that NATO has built a curriculum with appropriate lessons, as well as an especially laudable emphasis on working with the Afghan government and training local trainers for a sustainable program.  Resources are short, but the biggest

Suraya Dalil and Ashraf Haidari

# Afghanistan's Human Security Crisis

## Balancing military and civilian efforts to secure Afghanistan





*The human side of security. Photos: Luke Powell/UN*

HEADLINES of civilian or military deaths due to armed conflict dominate much of Afghanistan war reporting. As tragic as these deaths are, their numbers pale in comparison with the loss of lives due to other reasons, such as maternal deaths and infant mortality.

About 2,000 international troops, mostly from the United States, have lost their lives since 2001 in Afghanistan. About 3,000 civilians were killed in the first six months of 2010, while about 20 Afghan policemen and soldiers die every day trying to secure the country against a brutal insurgency that is maintained outside our borders.

In contrast, more than 50,000 Afghans die annually due to a lack of human security. Newly born babies, children under the age of five and mothers constitute the bulk of these lives that can, and must, be saved. Unfortunately, these silent deaths do not grab Afghan or international headlines. Why is this and what can be done about it?

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One of the key reasons for this disparity in media coverage is the fact that defense spending continues to outstrip spending on development. In other words, protective security is often prioritized at the cost of human security, even though the two are inextricably intertwined, particularly in Afghanistan with a sizeable population of vulnerable groups.

Conservatively speaking, more than 60 percent of insurgents in Afghanistan are rented fighters, or "10-dollar-a-day Taliban" who, for a lack of livelihood to support their families, have been recruited by regional terrorist networks.

But what do we mean by human security? Unlike protective security, human security is far more than the absence of violent conflict. It encompasses human rights, good governance and access to economic opportunity, education and health care. It is a concept that comprehensively addresses both "freedom from fear" and "freedom from want."

Even though a lack of "freedom from want" may be forcing some 60 percent of insurgents to fight for daily pay, a whopping 80 percent of international aid resources are spent on protective security measures, or "freedom from fear."

Much of the remaining 20 percent of international aid devoted to civilian assistance bypasses the Afghan government and is instead sapped by a multitude of parallel mechanisms that take 80 percent of civilian aid resources, leaving the Afghan government with at most 20 percent of the leftovers. To make matters worse, more than 15 percent of this is earmarked to be spent on donors' projects of choice.

This immense imbalance between security and development, or civilian aid versus military assistance, also contributes to the Afghan government's continued weaken state. In effect, the Afghan government receives a very small amount of discretionary funding, not even enough to reform a ministry.

Therefore, a proportionally small amount of civilian aid, coupled with ineffective aid delivery mechanisms, has perpetuated weak governance and catalyzed petty corruption in Afghanistan's deeply insecure human environment. Consequently, these overlooked problems continue bolstering the regional and transnational

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dimensions of instability in the country.

The international response to underinvestment in development came in 2000 when world leaders adopted the Millennium Development Goals (MDGs) – a set of 8 development-related goals – to be achieved by 2015. The MDGs provide a framework for the international cooperation towards a common aim, ensuring that human security reaches everyone, everywhere. Because Afghanistan endorsed the Millennium Declaration in 2004, the deadline for reaching its country-specific goals was set at 2020. In addition, Afghanistan has set security outcome as the ninth, self-adopted MDG – a goal that impacts progress toward all other goals.

Since 2004, Afghanistan has made continued progress towards its MDGs. We have been able to reduce child mortality from one in every four children to one in every six, an important achievement in MDG4. Seven million more children now attend school, marking unprece-dented success toward MDG2.

With one of the lowest telephone access rates in the world in 2001, the percentage of cellular subscribers increased to 21 percent of the population by 2006, well on track to reach the target of 50 percent by 2015.

In spite of Afghanistan's strong economic progress, per capita income in the country remains the lowest in the region.

Only 27 percent of Afghans have access to safe drinking water, 12 percent to adequate sanitation and just 9 percent to electricity. More than 40 percent of the Afghan population remains unemployed and more than half hovers at the brink of poverty. Another 8.5 million, or 37 percent of the population, are on the borderline of food insecurity and thus hunger.

Clearly, the security picture is mixed in Afghani-stan. Much has improved, but so much more needs to be done.

To have a secure and prosperous Afghanistan, we must ensure that healthy Afghan mothers give birth to healthy children. Programs must shift from haphazard local projects implemented by various non-state actors to strategic national programs reaching far and wide with a long-term vision.

The Basic Package of Health Services (BPHS), implemented by the Ministry of Public Health, and the National Solidarity Program (NSP), managed by the Ministry of Rural Rehabilitation and Development, are the prime examples of the Afghan government's successful national programs that focus on the basic yet very critical needs of the rural population.

These two national programs cover more than 80 percent of the population in over 25,000 villages. As a result, access to health care has increased from less than 5 percent under the Taliban to now more than 80 percent across the country. This government-led effort is saving more than 50,000 lives, mostly mothers and their children, each year.

And under NSP, villagers have formed commu-nity development councils – including women for the first time – through which they participate in designing and co-implementing projects that address their acute local needs.

This past summer on July 20th at the Kabul Conference, the Afghan government presented our nation-partners with a blueprint for true partnership: the donor community must channel at least 50 percent of all aid resources through Afghan state institutions – including the Ministry of Public Health – and must align their independ-ent aid efforts with the priorities of the Afghani-stan National Development Strategy.

One of the core objectives of our Strategy is to address Afghanistan's human security needs so that children can be better nourished, mothers can have skilled assistance in childbirth, and families can have access to electricity, clean water, and education.

When the over 60 percent of the dollar-a-day-Taliban fighters eventually see that their basic human security needs are met, they will disengage from violence and choose to lead peaceful lives.

Indeed, the war in Afghanistan cannot be won by the military alone. We and our partner nations must work together and mobilize our resources to invest at least 50 percent of all international aid and national revenues to change forever Afghanistan's dire human security situation. The time to act is now. ∎



*Planning for the future. Photo: Jawad Jalali/UN*

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# The International Code of Conduct

## A breakthrough in the role of private security contractors



*A show of national colors of the ICoC signatories. Graphic: J. J. Messner*

WITH the beginning of the new year, the need for a strong capacity in humanitarian security operations is as great as ever. Crises continue to rumble worldwide, while the daily lives of citizens in many other countries are ensured only by fragile peace accords. Although United Nations-backed peacekeeping operations maintain a presence in many of these conflict areas, they are frequently under-resourced. Some have suggested the use of private security contractors to bolster traditional peacekeeping forces. The idea is met with skepticism by other parties, however, who are unsure that private sector forces can be properly policed.

Fortunately, the November 2010 signing of the International Code of Conduct (ICoC) for Private Security Service Providers may provide a common ground for the role of the private sector that could enhance stability and peacekeeping operations worldwide. **Anne-Marie Buzatu** begins by analyzing the implications of the multi-stakeholder nature of the agreement. The variety of perspectives incorporated into the ICoC, speaks well for its viability as a legal idea as well as its practical application. The accountability mechanisms established by this process should serve to ensure transparent operations, maximizing the benefits of private and public sector collaboration in conflict areas.

In transforming the relationship between multiple stakeholders, the ICoC can also be transformational for each sector. **Erik Quist** discusses how the application of the Code affects the business side of the equation. Certification for private security companies, an initiative under consideration, would remove a major obstacle to private sector reform—getting outcompeted by less concerned operators. In order for the ICoC's real impact to be felt, supplementary measures must be taken to ensure that it makes business sense as well as doctrinal sense.

Of course, legislation is often only as good as its ability to be implemented. **Nils Rosemann** examines how the careful language of the ICoC provides consistency with its foundations, while it simultaneously expands these initiatives' enforcement power. In bridging the gap between principle and practice, it raises new possibilities for the goals of private security companies to complement those of government and civil society.

While the Code represents an impressive development, it is not a perfect solution. **Colonel Christopher Mayer** explains what the ICoC is capable of, given its design, while also pointing to areas where more work is needed. By properly understanding the intent of the Code, actors can better use the strengths of its various stakeholders.

With the ICoC, a sea of possibilities for collaboration between these stakeholders has been set into motion. Only time will tell if this potential can be realized.

Next issue, the Feature section will be the **Future of the Stability Operations Industry.** ■

Anne-Marie Buzatu

# The ICoC: An Industry-Led, Multi-Stakeholder Initiative

## Industry, government and other players join together to define PSC standards



*Truly a diverse effort. Photo: Doug Brooks*

SIGNED by 58 companies on November 9, 2010, the International Code of Conduct for Private Security Service Providers (ICoC) hopes to address some of the gaps in effective oversight and regulation of the private security sector by setting out clear standards for private security companies (PSCs), as well as to build an oversight and accountability framework to help ensure that PSCs operate according to the standards.

The ICoC was born of the larger effort by the Swiss government to promote respect for international law and standards by PSCs. First known as the "Swiss Initiative," this effort began as an inter-governmental dialogue, resulting in the Montreux Document, which outlined "pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict" (Montreux Document).

The Montreux Document both clarifies existing international law and obligations of states vis-à-vis

PSCs, as well as sets out good practices for states in their dealings with PSCs. Since its finalization in September 2008, it has become the established reference text for how states should deal with PSCs, even finding its way into state procurement guidelines. For example, the UK Foreign Commonwealth Office asks potential contractors to confirm that they are aware of the obligations under the Montreux Document, that they will comply with it and instruct their personnel to do so as well. However, as a document offering guidance to states, the Montreux Document could only partially respond to calls from the PSCs themselves for better guidance and oversight of their activities on the ground. The ICoC is a response to this gap.

From the beginning, the ICoC initiative has been a multi-stakeholder effort: industry-led, supported by the Swiss government and involving a wide variety of parties impacted by the activities of PSCs. A series of workshops kicked off in January 2009 in order to identify each group's particular need for better PSC regulation.[1] Representatives from the industry, human rights organizations, multi-national corporations, PSC-insurance companies, academics and other legal experts, state and other clients took part in these

discussions, offering their unique perspectives on the challenges to effective oversight and accountability of PSCs, as well as ideas on how to meet those challenges. This was followed by a release of two draft ICoCs for public comment on January and August 2010, as well as another round of multi-stakeholder workshops.

The fruit of these workshops and public comment periods is the International Code of Conduct for Private Security Service Providers, which 58 PSCs signed on November 9, 2010 in Geneva, Switzerland. In signing the ICoC, signatory companies publicly affirmed their responsibility to respect the human rights of all those affected by their activities.

Furthermore, signatory companies recognized that the ICoC was the first step of a broader initiative to create better governance, compliance and accountability; and that this broader initiative required them to work with other stakeholders to establish objective and measurable standards, as well as external independent mechanisms for effective governance and oversight.[2]

To this end, the ICoC creates a temporary multi-

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stakeholder steering committee to establish the oversight institution/accountability mechanism by mid-2012.

The greatest strength of the initiative is its multi-party participation, providing strong assurances as to the viability, sustainability and ultimate success of the ICoC. In bringing a variety of relevant viewpoints and interests to the discussion, by its very nature the multi-stakeholder approach builds in a system of checks and balances in both the construction of credible international standards and in the establishment of effective accountability and oversight mechanisms.

The decision that the nine-member steering committee will be equally divided among the three main "stakeholder communities" (civil society, PSCs and states[3]) further ensures the credibility of the work going forward, and is illustrative of the good will and excellent working relationships that have evolved among these often disparate entities.

Furthermore, by virtue of their varying relationships relative to PSCs, different stakeholders can have a strong impact on the effectiveness of the ICoC. For example, by requiring all of its security contractors to adhere to the ICoC, the UK government shows strong support to the ICoC both as regulator and as a client.

If successful in its aims, the ICoC should address several of the PSCs' major obstacles. First, by setting clear standards for PSCs (including human



*Photo: Swiss Department of Foreign Affairs*

rights-based corporate governance and operational standards), the ICoC clarifies the minimum level of conduct required of PSCs. Secondly, the ICoC helps to alleviate the chaos of multiple nations operating in multiple territories by setting overlying universal standards. Third, the independent oversight institution will serve as the much-needed formal complaint center that, when appropriate, can forward grievances to the responsible state authorities. This could also serve to facilitate the conduct of national investigations.

Finally, there is a potential for the international accountability mechanism to provide direct remedies to victims of violations of the International Humanitarian Law and Human Rights Law, incorporated in the ICoC, when there is no other effective public mechanism.

However, the success of the initiative ultimately rests on the effectiveness of the oversight and accountability mechanism (in the words of Erik Quist of EOD Technology, "the stick is the carrot") and the next 18 months are crucial.

While the 3-3-3 multi-stakeholder composition of the temporary steering committee is a reassuring first step, the large and growing number of signatory companies (approaching 70 one month after the signatory conference) poses new challenges for the success of the initiative.

It is important that all signatory companies – whether their employees number in the hundreds of thousands or less than a hundred – remain engaged and contribute their first-hand knowledge of how to build an efficient, effective, and well-run institution.

Similarly, it is extremely important that civil society, states and other clients – even if they have not signed a document – stay engaged and communicate their unique perspectives to the steering committee to provide those important checks and balances that help keep the initiative on-track. ■

#### Endnotes

1. As project lead and facilitator, DCAF organized these workshops.
2. ICoC, paragraph 7(a) & (b).
3. Each stakeholder community may also nominate an alternate to the Steering Committee.



*The seat of Swiss government—strong backers of the ICoC. Photo: Stock*

Erik S. Quist

# The ICoC Contemplates PSC Certification

## Why this will be good for the industry and the customer



*An opportunity to take the initiative on good business practices. Photo: Doug Brooks*

MOST who have been following the progress of the International Code of Conduct for Security Service Providers (ICoC) know that even though the ICoC has been signed, the truly difficult work still lays ahead.

It will take at least a year before the particulars of an organizational body, the care-taker of the ICoC, will take shape. There are still not only issues of governance, but the participation and relationship between the three stakeholders: the private security company industry, governments, and civil society. Then, of course, the all-important funding, for which contribution from all the stakeholders has been acknowledged, will first need to be appropriated and put in place.

Still, there is one aspect contemplated under the ICoC that may take shape sooner. Under the ICoC, the governing body will be involved in a process for independent certification of Private Security Companies (PSCs). This notion is not new to the PSC industry. In 2009, Congress

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directed the Department of Defense to report on the feasibility of PSC certification, and under pending NDAA legislation, PSC certification would become a requirement. ASIS International has undertaken efforts to develop a process for PSC certification that certainly will play an important role in the resulting ICoC or NDAA efforts.

Certification is perhaps inevitable. As such, interested parties should understand something about this contemplated process, not only to know what it is (and is not), but also to grasp the potential benefits.

PSC certification will most likely be based upon the International Standardization Organization (ISO) process. The concept of an ISO-based approach has been part of the discussions since the development of relevant parts of the ICoC and the post-signing meetings. This would also be the approach under the efforts of ASIS, as the organization regularly takes part in the development of ISO-based standards for the American National Standards Institute (ANSI), the U.S. affiliate of ISO.

So what does the concept of an ISO-based

approach actually mean? An ISO-based approach largely involves a review of a company's different business processes such as quality, safety, training, financial, management, records, risk, human resources, ethics & compliance and etcetera. The review encompasses the existence, promulgation and enforcement of those processes as well as the existence of mechanisms to obtain feedback on these processes and utilize this feedback as part of a continuous improvement cycle.

The specific ISO approach would likely be modeled upon the ISO 9000 series encompassing quality management. ISO certification is therefore a "pass/fail" proposition rather than a process to assign a gradation of the services. Frankly, this approach is the only one that makes sense. Any certification process must have objective criteria. Ascertaining whether a company has a certain business process and whether it is utilized in the required manner certainly fits that requirement.

By comparison, operational matters would be more subjective in nature and also might give rise to conflict with a customer's scope of work, exacerbated by the fact that many times, especially in the security services industry, the services

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within a scope of work are very specific.

This is not to say that security-related matters cannot be included in an ISO-based certification process. The existence, promulgation, enforcement and continuous improvement of different types and levels of training and human resource practices that impact a PSC's ability to perform its services well would lend itself to ISO certification. By extension, ISO-based certification could encompass different services lines like convoy, PSD, K-9 and static security. The question then becomes how an ISO certification of the PSC's business processes is in any way relevant or helpful.

If a company has documented hiring and training practices, and a systemic way to improve those processes, they are more likely to field better employees with less turn-over. If a company has independent financial audits and utilizes sound accounting principles they are more likely to meet tax and other related obligations. If a company has in place quality management and safety programs, they are more likely to provide a better,

more efficient product, as well as keep themselves and their customer out of harm's way.

In summary, solid business processes are the foundation of a responsible contractor.

If these benefits are so clear in terms of improving a company's processes and keeping it out of trouble, then why have more companies not undertaken such an initiative? The answer lies in the significant investment required to document and elevate a company's processes to a level that would meet the relevant certification criteria.

Under the contemplated ISO-based approached for PSC certification, if a company already has registration, such as ISO 9001:2000, then it is certain the effort to become compliant would be significantly less than those not previously registered. For some companies who have been in business for years, with different branches and affiliates, regardless of size and whether certain internal functions like quality and safety exist, the cost (and time) can be significant.

To a small or medium sized company, instituting such an initiative almost always translates into driving up overhead. As those who are involved in cost and pricing proposals already know, anything that increases a company's overhead has not been historically viewed by the U.S. government as adding value, only increasing the government's costs.

It is easy to understand how a company might view undertaking such an investment as a significant disincentive. Not only would they increase their costs with no perceived value added to their customer, but they are also then vulnerable to being under-cut by those who do not.

It is the archetypal struggle of the company fighting to do the right thing: understanding good business practices are for the long-haul, but continually feeling the sting of the fly-by-night company.

This is why an independent, third-party ISO-based certification process holds such promise to those who have been holding the line for so long. It is, finally, an opportunity for a company to get credit for investing in its own internal processes, which also translates into added value to the customer.

Companies who have not invested in sound and robust business practices will have to do so. Companies that have previously made such an investment will have a leg up. The playing field will not only be more level, but it will be level at an elevation that is appropriate for these types of services. In many ways it is finally the opportunity for companies to get credit for being responsible contractors.

The responsibility of the contractor has long been a missing component in procurements. For the most part, it is an issue addressed after the fact, after an alleged transgression, when a debarment official is making a responsible contractor determination.

Providing tools, specifically PSC certification, to the buyers of services so that they may select competent and responsible contractors is long overdue. Could a requirement for "best value" in security services procurements be far behind? ∎



*Photo: Doug Brooks*

Nils Rosemann

# An Initiative for the 21st Century?

## Effective provisions ensure responsibility and enhance peacekeeping



*Voices on all sides craft a strong agreement. Photo: Doug Brooks*

IN early November 2010, nearly 60 global private security companies came together in Geneva to sign an International Code of Conduct (ICoC) with the objective of guaranteeing respect for human rights and humanitarian law within their operations. In addition to those who participated in the Geneva meeting, more companies have endorsed the ICoC by letter. The number of signatory companies is constantly growing and is currently close to 80.

The signatory companies are a diverse group – ranging from small- and medium-sized service providers to the largest in the sector. Some specialize in governmental services as well as protection services for extractive industries. Representatives of NGOs, media and maritime security took part in this event on November 9, 2010, as did armed security providers for national parks and endangered species in Africa.

In addition to CEOs and senior management

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representatives, high-ranking officials from endorsing governments, such as the United Kingdom and the United States of America also participated in the signing of the Code. A number of other interested governments including Afghanistan, Australia, Canada and South Africa, together with representatives from civil society, humanitarian organizations and academia, also took part.

Signing the Code commits these companies to a set of principles described in 70 paragraphs, guiding employees and managers in their conduct, as well as directing overall company management in ensuring respect for human rights and international law. In the words of State Secretary Peter Maurer, "We are assembled here today to witness this ceremony, the signatures of companies under a document that translates international norms into an additional commitment by private security service providers. Today's event is a mix of celebrating achievements by gathering here to sign the Code, as well as the marking of the starting point of the Code's implementation."

The International Code of Conduct was developed in a multi-stakeholder process facilitated by Democratic Control of Armed Forces and the Academy for International Humanitarian Law and Human Rights.

Why is this new code necessary? Indeed, many label private security industries "guns for hire" or "21st century mercenaries" to "cleverly" suggest their unlawfulness. However, that these companies often operate in contexts in which governmental authority is absent or the rule of law is compromised does not mean that they operate outside of the law, nor does it mean that the provision of security services aims to replace governmental state sovereignty over the use and legitimate exercise of force.

There is no solution that fits all, and regulatory efforts range from a restatement of international law (such as that achieved by the Montreux Document) to a new convention, elements of which have been presented by a U.N. working group.

Different legal regimes have diverse means and abilities to ensure that private security providers operate in a manner that is consistent with international human rights standards. However, in

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certain circumstances these traditional regimes fail to provide accountability for human rights abuses. Therefore, the ICoC is important, for in the words of the State Department's legal advisor Harald Koh, "by bringing together all of the key stakeholders – states, civil society organizations, relevant experts, clients, and the private security companies themselves – this initiative has the potential to address gaps in oversight and accountability left by traditional regimes."

The ICoC is more then just a "gap filler" or a normative reaffirmation by non-state actors. The ICoC is a practice-oriented tool. Not only is the number of signatory companies impressive (three times more members than currently participate in the Voluntary Principles on Security and Human Rights, for example); but the substance of the Code is too.

It refers specifically to the United Nation's "Protect, Respect, Remedy" framework on human rights and business, developed by Special Representative of the Secretary General John Ruggie , as well as to the Montreux Document. Not only does the ICoC directly interact with the tenant of respect, but by echoing the Montreux Document, it clearly links to the Protect pillar; and its (and therefore the industry's) the commitment to developing measurable standards, external oversight and an accountability mechanism within the next 18 months reinforces the framework's Remedy pillar.

The commitment goes further than this though. Take, for example, the Code's provisions



*An initiative in good hands. Photo: Nils Rosemann*

concerning use of force and firearms: under current international humanitarian law, personnel of private security providers lose their civilian status by engaging in hostilities during armed international conflict and when properly incorporated into armed forces they may even fully graduate to combatant status, allowing them to enjoy impunity from both civilian and military law. The ICoC dissolves this legal gray area. For instance, the use of firearms is restricted to the exceptional use for "self-defense or defense of others against the imminent threat of death or serious injury, or to prevent the perpetration of a particularly serious crime involving grave threat to life."

Suggesting that these codes of conduct are "soft law" wrongly suggests that they do not bind those involved, and that their violations have no consequences. Those who witnessed the negotiations between governments, clients, NGOs and service providers leading up to the ICoC's creation will attest to the fact that discussions were hard.

Apart from being the basis for the development of an external oversight and accountability mechanism, the ICoC will be stronger than any other existing tool for ensuring corporate responsibilities. The Code is designated to be included in service contracts, and the U.S. and U.K. governments will include its provisions in their own security service procurements – other governments and clients are encouraged to do the same.

Once the ICoC is incorporated into a contract, the violation of human rights becomes a reason for contract litigation. Such litigation, and the possibility of exclusion from being signatory to the ICoC, could go far beyond the consequences of violating any current "hard law." For, unfortunately, the breaching of human rights treaties results in few legal and political consequences, which makes the impact of being signatory to the International Code of Conduct all the more important.

The objective of the Code is to transform commitment and normative language into practice. In as early as 2004 the author suggested in an article ("The Privatization of Human Rights Violations – Business' Impunity or Corporate Responsibility? The Case of Human Rights

Abuses and Torture in Iraq") that the "means of further monitoring and implementation [of a human rights based approach to business conduct] have still to be developed, but the definition of direct obligations is a first step which could be implemented by states via regulation, by international organizations via monitoring and advice, by NGOs as independent watch-dogs and by business itself into codes of conduct that guide internal and external relations."

Much like the titular character from Lewis Carroll's masterpiece *Alice in Wonderland*, many critics of self-regulatory regimes with third party oversight claimed, "There's no use trying…one can't believe impossible things." Luckily, the Swiss government, along with several other parties were present to play the Queen: "I daresay you haven't had much practice. When I was your age, I always did it for half-an-hour a day. Why, sometimes I've believed as many as six impossible things before breakfast." They "tried believing in the impossible" and 14 months after the Nyon Declarations of June 2009, they succeeded.

Still, we will have to try harder in the next 18 months. The ICoC concludes: "Those establishing this Code recognize that this Code acts as a founding instrument for a broader initiative to create better governance, compliance and accountability.

"Recognizing that further effort is necessary to implement effectively the principles of this Code, Signatory Companies accordingly commit to work with states, other Signatory Companies, Clients and other relevant stakeholders after initial endorsement of this Code to, within 18 months… establish objective and measurable standards… and to establish external independent mechanisms for effective governance and oversight."

The 18-month timeline for institution building and the development of the external oversight and accountability mechanisms presents an ambitious, but not impossible agenda. Commitment and hard work are always necessary to turn an idea into reality. ∎

*The views expressed here are written in a personal capacity and do not necessarily reflect those of the Government of Switzerland. This article is based on a blog of the author written for the Institute for Human Rights and Business (London).*

Colonel Christopher Mayer (Ret.)

# What the ICoC is Not

## Some clarification on the successes and limitations of the Code



*The ICoC — pointing the way forward. Photo: Doug Brooks*

THE International Code of Conduct for Private Security Service Providers is an important step for implementing the vision and recommendations described in the Montreux Document. As its full title suggests, the Montreux Document recommends best practices for states in their relations with private security companies and private military companies in conditions of armed conflict. An initiative co-sponsored by the International Committee of the Red Cross and the Swiss government, the Montreux Document was for and endorsed by states.

The International Code of Conduct (ICoC), on the other hand, is for the providers of security services and expands the scope of application to conditions beyond the formal definition of armed conflict.

It is both an industry endorsement of the Montreux Document's recommendations and a useful guide for non-state clients of private

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security services. The ICoC forms a workable base for improved legislation, industry training, operational practices and oversight.

As important as all of these successes are, along with the achievement the Code represents, it is just as important to consider what the ICoC is not. The ICoC is not an end unto itself. The ICoC is not self-regulation in place of national regulation. The ICoC is not United States-centric. The ICoC does not create new law or bind states beyond current international law and treaty. Understanding what it is not will provide better appreciation for what it is while framing the work that still must be done.

To begin, endorsement of the ICoC alone is not sufficient to ensure that private security operations are effective and support the rule of law. Others in this journal describe some of what must yet be done. International industry standards are still needed to describe what companies must do to implement the code. Independent certification is necessary to verify that those processes are in place and being implemented. A governance mechanism is needed to oversee certification and respond to complaints of misconduct or variation from the standard. Work has already begun on

each of these, but full implementation will take time.

Despite some claims, the intent of the ICoC is not self-regulation over national regulation. The ICoC promotes self-regulation, but as a supplement, not a replacement for national regulation. The ICoC clearly states that companies are subject to the laws of the state in and from which they operate.

In many states (the United States among them) enforcement of national law is hindered by the lack of measurable standards by which a company's actions can be judged. Clients may now incorporate industry standards derived from the ICoC into contracts, enabling the use of contract law, other tort law and applicable criminal law to enforce those standards in court.

In many parts of the world where security providers operate, public rule of law mechanisms are seriously compromised. In these circumstances, the ICoC and its derived standards can aid oversight by PSC clients and support a public complaints mechanism. These can drive audits and potential certification action against a company, which can, in turn, be used to initiate

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contract actions by clients and possible licensing actions by states.

Some countries are already looking at making endorsement of the ICoC a prerequisite for licensing. This is another example of the code reinforcing, rather than replacing, national legal accountability. It is not either/or; rather, the ICoC represents industry efforts that support and reinforce national regulation.

The ICoC is not focused on the particular interests of the United States or the West. If this were only a matter of U.S. government interest, the ICoC would not be necessary. Legislation already exists for the regulation of private security services by the U.S. government. New initiatives, such as national and Defense Department standards for private security services, are underway to correct observed weaknesses and mitigate current and future risks.

The ICoC was developed with broader interests, including those of private sector clients, and with a particular concern for the geographic south. The ICoC is intended to assist developing states in writing their own legislation and to build oversight capabilities. In this way it is a starting point for each nation, rather than a U.S.-imposed solution. Montreux-participating states (which include many states from the geographic south) can use the ICoC and the Montreux Document to assist one another in developing the necessary legislation and capacity that is appropriate to the circumstances and needs of their particular state or region.

Although the ICoC is useful as a tool in developing national laws and regulation, it does not itself create any new law. Like the Montreux Document, the ICoC is built on existing law, international agreements and demonstrated good practices.

Sections on the use of force exemplify this. The language in those sections is taken from the UN's Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, with frequent reference back to existing national laws. This language clearly aligns the use of force by security contractors with their status as civilians under international law, and the use of force by these civilians as an exercise of the inherent right to individual self-defense.

For contract security providers, self-defense includes persons specified under the terms of the contract and in defense of other persons facing imminent threat of death or serious bodily harm, such as murder, armed robbery or aggravated assault. These provisions in the ICoC are consistent with current U.S. policy for security contractors.

Consistent with other international law and agreements, the U.S. interpretation of "defense of others" includes the use of force, up to and including lethal force, to protect inherently dangerous property. Under certain circumstances, as specified by appropriate legal authority, defense of others may include the protection of critical infrastructure vital to public health or safety, the damage to which would create an imminent threat of death or serious bodily harm.

Rather than creating new law, the ICoC reinforces existing law, and within that existing law, can be adapted to the needs and restrictions of a particular client.

## What the ICoC Is

Although there are many things that the ICoC is not, there are things that it is.

It is a commitment by the industry to operate in accordance with law and to be subject to that law. It is an agreement to operate within the restrictions of the law of armed conflict and the principles of human rights law where the rule of law cannot be enforced. Working with the Montreux Document, the ICoC is useful for states as they develop legislation and policies that affect the export, registration and operations of private security services.

The ICoC is a vehicle to increase awareness among those considering contracting for security and others who must work in the same operational area as contracted security. In this regard, it serves the interests of developing states and private agencies engaged in relief, recovery and reconstruction.

Most importantly, it is the starting point for measurable standards that will enable effective oversight by clients and states, supporting the enforcement of already existing law.

The end point will not be achieved overnight or over a year. The ICoC and the Montreux Document do, however, point the way forward. ∎

*The defense of others on the ground. Photo: Martine Perret/UN*

Peter Marocco

# Drone Incentives

## Thoughts on legal incentives as new peacekeepers take to the skies



*Here we go, into the legal unknown... Photo: Specialist Roland Hale/US Army*

THE law of armed conflict is a law beyond laws, governed not by enforcement power, but by clear incentives for restraint. In warfare, the participants (combatants) must be guaranteed protection from certain penalties, while refraining from hurting civilians who stay non-combatants.

This is because killing, simply put, is the business of warfare. Thus, there is an argument that the use of new technology (unmanned systems) is a departure from the law of armed conflict (LOAC). The International Committee of the Red Cross and other NGOs have attempted to shape LOAC into an invisible umpire on a level football field of sorts, where the participants are easily identified and equally equipped, leaving observers on the sidelines unscathed. But conflict is changing. In an era of surreptitious international terrorism and cooperative security strategy, this aim is impractical and inaccurate.

There was an age when we saw this level field. For

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more than a thousand years knight warfare, supplemented by a lined regiment system, dominated a relatively contained field of battle. Then what changed? The longbow and pike at the battle of Agincourt. The longbow allowed the English to kill French troops from the air at a distance while remaining safe from the knights behind pikes, enormous planted and sharpened spears of wood positioned to take down a charging horse. The old way was instantly outdated. Was this use of new technology unfair? Perhaps, but history does not condemn the victorious.

Applying the LOAC today, is the field of battle still constrained to uniformed combatants in a designated space? More specifically, is it appropriate to use armed drones in modern armed conflict or in peace-keeping operations?

The application of LOAC in peace-keeping operations has always been problematic for the United Nations. Yet since the early 1990s U.N. peacekeepers have been deployed continuously. After missed opportunities like Rwanda and successful operations in Kosovo, the international community was called to adopt a new doctrine of intervention, a "Responsibility to Protect."

Conflict zones where the United Nations is reluctant or unable to manage the necessary force levels of peacekeepers might benefit from unmanned defense systems. Their mere presence has slowed movement and disrupted terrorist operations. Military leaders are historically reluctant to send their troops to another humanitarian crisis because it is expensive, rarely beneficial for the patron state and often has the counterproductive effect of instigating more, not less violence.

Two legal principles come to mind. The first, *Ceteris paribus*, means something has changed with all other things remaining the same. Some suggest that the use of drones against non-state actors is impermissible under LOAC, or that LOAC does not allow "targeted killings." The doctrine of self-defense formidably bars states from simply using force where and when they wish without a clear need to protect their sovereign territory or citizens. [1] This limitation seems to be shaped around state vs. state, but the responsibility to protect complicates this as much as international terrorism.

Some legal opponents of the Predator, and its

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mightier nephew the Reaper, cite the 1949 Geneva Conventions, based on the drones' inability to perfectly distinguish between militants and non-militants. Yet folklore of the drones' inaccuracy has repeatedly misinformed lawmakers and citizens alike. [2] In reality, the percentage is low, and improving with smaller munitions.

Regardless of new technology, all other things have not "remained the same." LOAC is virtually as young in principal as it is in practice. The framers of this legal machinery did not envision non-state actors with a broad network leading a global insurgency and threatening international security. Apropos, *Mutatis mutandis*, a legal principle meaning a number of things have changed to make things right, better applies.

Traditionally, international armed conflict and peacekeeping have distinctly different rules. However, amidst the war on terror and many humanitarian crises, the line between counterterrorism warfare and peacekeeping blurs. How does the average citizen distinguish peacekeeping operations and counterterrorism operations?

In the new era, "civilians" become willing participants in the battle space. How does the soldier distinguish between the peaceful citizen, the terrorist and the lawful combatant? On paper these distinctions seem simple, but to the U.N. peace-keeper, the security guard and the soldier, the difference is becoming increasingly complicated and legally opaque.

Then, there is a new sentry patrolling the battle space, equipped with targeting data for individual persons, rather than an area size target. Pointing to increasing drone attacks in Pakistan and Yemen, opponents also claim this is unlawful in a sovereign state, with which the United States is not at war. During Obama's first two years as president, various open news sources track three to four times the total drone strikes over those in Bush's eight years. [3] This indicates a clear shift in the legal position taken on its use. So where has the incentive gone?

Law cannot keep pace with the active threats to a nation, anticipate the nature of the next war's technology, nor plan preventative peacekeeping operations. Despite diplomatic renditions of history that highlight negotiations, it is what former U.S. secretary of defense William Perry

calls the "offset strategy" that ended a dangerous 40-year competition with the Soviets. As the Soviet arsenal grew beyond 30,000 nuclear weapons, the offset was the development of stealth, smart sensors and smart weapons that altered the balance. It was over-whelming technology rather than the number of nuclear linebackers that allowed the United States to peacefully persuade the Soviets into a new era.

How this newest era of a war without borders will take shape is not fixed, but unmanned systems will play a major role. The evolution of the U.S. National Security Strategy shows a clear shift from prioritizing winning wars to preventing bigger ones, emphasizing both pre-emptive strikes as well as collective peacekeeping.

What does the drone change? It allows more operations to take place without putting soldiers at immediate risk. In this regard, it is merely a more sophisticated weapon system that creates advantage, not perfidy. In many of the articles that criticize the drone, there is a common misconception that the drone itself was envisaged only for reconnaissance, but would only later (out of post 9/11 convenience) be turned into a floating assassin. Neither is true. When asked when the concept of the drone as a weapon system came about, William Perry responded, "From the very beginning." [4] And he would know. Perry was the undersecretary of defense for research and engineering from 1977-1981 when the Pentagon shifted its strategy to over-whelming the Soviets with technology. Smart Sensors, GPS and smart bombs were developed under this program. The idea of precision targeting was not an ideological drift away from LOAC; it was a technological improvement on the carpet-bombing used in Vietnam. There may be concern though, as Perry notes, "of moral hazard … to increase the probability of war or war-instigating actions because you don't risk the lives of American troops." While scientific precision does not equal extrajudicial execution, similarly it does not provide unique privileges to war.

What does the drone not change? The "kill chain," as referred to by the military is the chain of accountability when a targeting decision is made from the top to the operator. This is a job for the military. Some critics claim the drone itself is outsourced, and thus not lawfully eligible to carry out an offensive "targeted killing." This is a

sturdy legal concern, but at present, the drone is acquiring targets, not choosing its own. Claiming the drones are being used by agencies other than the Department of Defense for targeted killings, opponents warn it may soon be used this way on the U.S.-Mexican border. This is also a valid concern. The military is still the only lawfully combatant kill chain. The use of a drone does not expand this role or who may engage in combat, so it should cause some concern if other agencies are openly engaging in military-style targeted drone strikes, regardless of the country where this is occurring.

Furthermore, the unique attributes of the drone do not convert a peacekeeping operation into an armed conflict, or vice versa. In essence, with anyone openly using drones anywhere at any time, there is little incentive for restraint. There is good reason to restrain non-military agencies crossing into the business of war.

The positioning of technological advantage has and always will be an element of warfare. As global security evolves, defensively armed drones should comply within legal frameworks for peacekeeping operations while remaining free of the present controversy. If the wars in which the United States currently engages are truly matters of collective security, the drones may ultimately be legally unchallenged as counterterrorism blurs with peacekeeping.

Rather than avoiding legal clarity with opponents, the United States should engage the case *mutatis mutandis* – that the nature of winning international security has changed so significantly that the existing legal framework does not limit drones in armed conflict or collective peace-keeping operations. This clarification would lead the international community to develop a clear incentive framework with vision to support restraint. ∎

### Endnotes

1. UN Charter, Article 2(4) and Article 51.
2. Kilcullen, David, Testimony to House Armed Services committee, '50 unintended victims for every intended target', April 23, 2009.
3. Bergen, Peter, The Drone Wars, The Atlantic, Dec. 2010.
4. Perry, William, Stanford University, November 4, 2010.

Naveed Bandali

# Coordinating Reconstruction and Stabilization

## An interview with Ambassador John E. Herbst (Ret.)

*Ambassador John E. Herbst is currently director of the Center for Complex Operations at the National Defense University in Washington, DC. Previously, he served as Coordinator for the Office of Reconstruction and Stabilization (S/CRS) in the United States Department of State (2006 to 2010), Ambassador to Ukraine (2003 to 2006), and Ambassador to Uzbekistan (2000 to 2003). Herbst joined the United States Foreign Service in 1979 and retired in 2010.*

**JIPO:** *Drawing on your experiences as Coordinator for the Office of Reconstruction and Stabilization (S/CRS), what were your greatest accomplishments and challenges?*

**Ambassador Herbst:** My work in S/CRS was overwhelmingly – 85 percent or 90 percent – on building capacity for stabilization operations. We had to create the concepts for running stability operations and for developing and standing up a Civilian Response Corps (CRC). In doing this, S/CRS had no budget and little support.

The most important thing done during my tenure

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in S/CRS was to establish a CRC – first building support within the Bush Administration back in 2007 and 2008 to develop the CRC – and persuading Congress to resource it. When I left S/CRS in September 2010, the number of CRC personnel was over 1,200. While still too small, this is a significant national security asset.

**JIPO:** *Can you speak to the future of interagency cooperation and "smart power" with respect to U.S. foreign policy?*

**Ambassador Herbst:** Everyone talks about "whole-of-government" and "interagency" – it is remarkable. I say that because S/CRS was talking about that from before I arrived in 2006. But over the past year and a half, I would say that now the whole world is talking about it. And that is a good thing. But while people talk about it and, when a crisis hits – for example in Haiti in January and February 2010 – there is an effort to bring different parts of the interagency in, but it is always an ad hoc process.

S/CRS tried to establish something called the Interagency Management System, which would standardize how the interagency would work together. And in the S/CRS-led world, with seven

other agencies, it worked. But that world was a rather narrow one because to date, S/CRS has not been given a principal role in any major crisis. And every time you have a crisis, the interagency gathers, someone is put in charge, and that person reinvents the wheel. And so there is a great deal of repetition and duplication and unnecessary activity.

I am confident that the CRC has a future. I am less confident that there is going to be a rational interagency process that can organize a multifaceted operation like Haiti last winter or Iraq.

**JIPO:** *What is your response to critics who claim that U.S. diplomacy and development are being increasingly militarized?*

**Ambassador Herbst:** The facts that underlie those claims or criticisms are apparent for everyone to see. The Pentagon has been well-resourced for the past 30 years now, while the State Department – and even more so the United States Agency for International Development (USAID) – has not been. And because there is a very clear overlap between defense, diplomacy and development, it means that all of those

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activities are essential to our national security.

Things which benefit our diplomacy are likely to benefit development and defense positions as well. And the military, because it has had resources, has been able to devote some resources, less to diplomacy, but to development. But even that has a diplomatic impact. So the fact is that the Pentagon has been well-resourced and has used some of those resources for development activities. This has enhanced the clout of combatant commanders and the Pentagon, which is why some have complaints about it.

There are two things that can be done to fix this problem. The best solution is to increase the resources at State and USAID. Give the funding to the people who have the real expertise in this work. Unfortunately, for a number of reasons, Congress is often reluctant to do that.

The other solution is to ensure a fully coordinated process in which any defense resources are spent outside of the defense area. That goes back to the interagency process.

*JIPO: Is it fair to suggest that there is still a dearth of civilian capacity in the U.S. government to support and implement stabilization and reconstruction policies in conflict and post-conflict zones?*

**Ambassador Herbst:** There is no doubt about it. I am proud that the CRC exists. It has at least

1,200 members; but that means at the present time, we would be able to maintain in the field at most 150, maybe close to but not more than 200. And we need the capacity to maintain in the field 1,000 or more in perpetuity.

So we are clearly not resourced at the present time on the civilian side the way we need to be. But institution building is a slow process in Washington, DC. Compared to where we were three years ago, when we had almost no one, having over 1,200 is a significant step forward. And my sense is that as this capacity is used, it will be appreciated and additional resources will come. The key is that the capacity has to be used.

*JIPO: In support of U.S. and international policies, civilian contractors serve parallel to the armed forces, diplomats and aid workers involved with stabilization and reconstruction operations around the globe. What can governments do to better leverage the capabilities of private firms supporting overseas contingency operations?*

**Ambassador Herbst:** There are a host of firms now that have a great deal of international experience in difficult circumstances. I do not know if we need to "leverage" them. What I do know is that we need to intelligently marshal our own resources. And here we come back to the need for an intelligent system for organizing our government during a major civilian operation abroad. Again, S/CRS created the Interagency Management System, which while approved, has

never really been used. Something like that – [though] not necessarily that system itself – could ensure that all the relevant players and agencies are brought together in an efficient process; but it has to be established and used.

You also need to establish a rigorous planning process for major civilian operations. There is a planning office in S/CRS that needs to be empowered to provide the necessary planning for major operations going forward. And if we do that, we will avoid situations like we have had in Iraq and Afghanistan where more than one part of the U.S. government is doing programs in the same field, yet they are not talking to one another and they are certainly not developing their programs together in a coordinated fashion. If we establish a strong interagency system with good planning, the contractors that we use would work more effectively. They would be part of a team run by U.S. government professionals who have great experience dealing with these sorts of crises and the authority to put together a plan of operations where everyone has an appropriate role.

*JIPO: In your estimation, what are the implications of the imminent ban on private security firms in Afghanistan?*

**Ambassador Herbst:** For civilians to work in Afghanistan there has to be at least some measure of security. If that security can be provided by the military, that is great. If it cannot, then there have to be civilians who provide that security. Therefore you need to have a private security capacity that can operate in a place like Afghanistan.

*JIPO: Drawing on your experiences in Tashkent, can you speak to the issues and opportunities associated with the Northern Distribution Network, which helps supply the international security and stabilization efforts in Afghanistan?*

**Ambassador Herbst:** It is pretty basic. You have two neighbors to the west and east of Afghanistan: Iran and Pakistan. Given our relationship with Iran, that is not going to be a place through which we can supply the government in Afghanistan. Pakistan is of course a place through which we can supply, but there are problems associated with that. As we cannot rely on Pakistan to be the sole



*Supplying stability. Photo: Cpt. Mark Nettles/US Army*

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Robert S. Wells

# Africa Needs a New Map

## The analysis of coastal economic zones that could improve maritime security



There's more than one track to maritime security.  Photo: Specialist 2nd Class Kilho Park/US Navy

HOW can the International Maritime Organization (IMO), African nations, Africa's world trading partners and a host of maritime partners help Africa develop its maritime safety and security environment and economic development through enforcement of Exclusive Economic Zone (EEZ) rights and responsibilities without a modern reference map that includes EEZs?

EEZs, as stated in Article 56 of the United Nations Convention on the Law of the Sea (UNCLOS), are maritime zones where coastal states have sovereign rights and jurisdiction for the purpose of exploring, exploiting, conserving and managing the natural resources, and other activities related to the exploitation and exploration of the EEZ zone. The EEZ ranges from the end of the 12 mile-territorial sea outward to 200 nautical miles.

Currently, an extensive search for such a map illustrating Africa's EEZs on the IMO website discloses the absence of such an important tool

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for those interested in Africa's maritime safety and security. There are of course links to the UNCLOS and its detailed EEZ modalities; but which while adequate for lawyers, these resources would be more useful with the addition of an authoritative and accurate visual aid for maritime planners.

Africa deserves to have a new map in 2011 – one that depicts not only the territory of each coastal state with its territorial waters, but that also delineates their shared EEZs. In drawing and publishing such a map, the IMO – in this, the Year of the Seafarer – would acknowledge Africa's maritime awakening that has occurred over the last four years, while also preparing the continent for its future.

### Africa's Maritime Awakening

Africa's maritime awakening can be traced back to to November 2006, when the Gulf of Guinea states met in Cotinou, Benin and signed a communiqué for a six-point action plan aimed at improving maritime security in the Gulf of Guinea.

Since then, many of the African coastal states have embraced and expanded their participation in the Africa Partnership Station program in West and East Africa; and established a Regional Maritime Center of Excellence in Kenya, dedicated to the professional development of new generations of maritime professionals. Governmental and institutional thought on strategies and plans concerning maritime safety and security have been developed and include the African Union's Transport Action Plan, South Africa and its Institute for Security Studies (ISS) regional maritime security dialog, and the "Seapower for Africa" symposium hosted by African navies.

The United Nations has also been compelled by Somalian piracy and renewed maritime security concerns stemming from the trans-Atlantic drug transport and illicit fisheries exploitation that impacts the maritime security of the West African region (particularly Guinea and Sierra Leone) to act aggressively with a security council. The partner nation response has also included an effort to improve maritime domain awareness (MDA).

A new MDA systems architecture has emerged that includes the Regional Maritime Awareness

Capability (RMAC) – a network of radars, radios and high-powered infra-red binoculars to detect, identify, report on and monitor offshore vessels. African regional shipping using the RMAC systems is now integrated into the global ship tracking Maritime Safety and Security Information System (MSSIS) database. The participating nations can now see with their own eyes the level of activity in their territorial waters and EEZs, and simultaneously sense both the promise and the peril in their future.

A new Africa map with EEZs would reflect this future and also serve as an important element to help African countries achieve maritime independence in their territorial waters and EEZs in the next generation.

For the first time in African history a real maritime security "neighborhood watch" is becoming operational in each of the regional sea areas.

West Africa has functioning RMAC systems and regional maritime organization support from the Maritime Organization of West and Central Africa

(MOWCA) and the Economic Community of West African States (ECOWAS).

Central Africa has functional RMAC systems and an increasingly effective management framework through the Economic Community of Central African States (CEEAC).

South Africa has autonomous maritime centers that use Automatic Identification System (AIS) shipping information and command centers that display the busy Atlantic and Indian Ocean shipping lanes.

East Africa has Djibouti and Kenya's RMAC's, and many of the coastal and island nations have acquired Automatic Identification System (AIS) installations.

The North African nations are participating in the Italy-based Regional Virtual Maritime Traffic Control Center (V-RMTC).

## Africa's New Map as a Point of Departure

Africa's maritime awakening has led to the

creation of development strategies that are associated with the four essential maritime domain capability sets: maritime domain awareness, maritime infrastructure, maritime professionals and maritime response capabilities. The development activities represent progress in each of these sets; however, much remains to be done.

A new Africa map that includes the EEZs would serve as a new point of departure that could help further maritime governance.

Africa's partner nations, including the United States, European Union, Japan, the United Nations and IMO, would be able to use a new map in order to develop more effective resource allocation strategies in a tough financial environment, and to provide clear, internationally accepted boundaries in which they can help the contiguous states enforce their rights and responsibilities under the UNCLOS.

These resource allocation strategies will help the coastal states defend their EEZ interests against the twelve maritime challenges – "the dirty dozen" with which African coastal states, via their territorial waters and EEZs, must contend.

The dirty dozen maritime security challenges include:

- Exclusive Economic Zone (resource) exploitation
- Illegal fishing
- Trade disruption
- Illegal migration
- Environmental attack
- Safety violations and the need for Search and Rescue (SAR)
- Terrorism
- Organized crime
- Piracy
- Drug smuggling
- Human trafficking and slavery
- Illegal weapons movement/proliferation

The new map's driving purpose would be its ability to serve as a frame of reference for African coastal states to discuss their federal, regional and local plans and investments strategies for governance of the new jurisdictions.
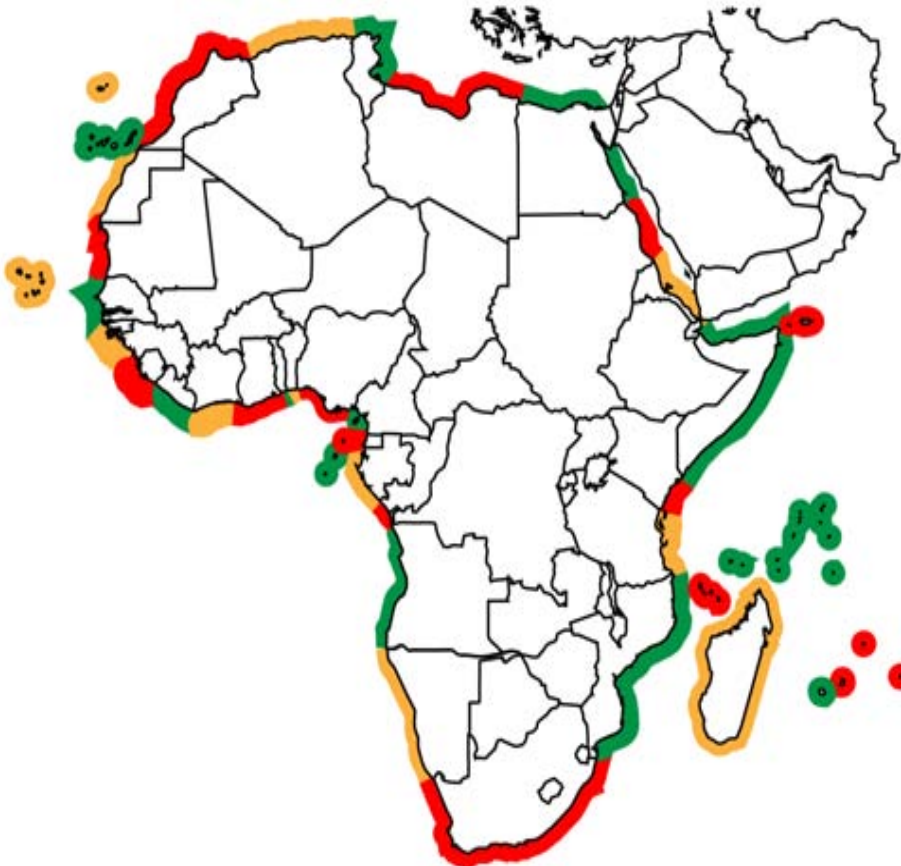


*A vision of Africa's new map. Graphic: Chris Stopa/Whitney, Bradley and Brown, Inc.*

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Lieutenant General William B. Caldwell

# Developing Ministries and Security Forces in Afghanistan

## How NATO is securing professionalism in Afghan security forces



*Afghan National Army commandos listen to Lt. Gen. William B. Caldwell and Gen. Bismillah Mohammadi. Photo: Sgt. Larry E. Reid, Jr./USAF*

THE fight for a stable and secure Afghanistan requires a professional, enduring and self-sustaining security force. NATO Training Mission-Afghanistan (NTM-A) was established on November 21, 2009 to help build this Afghan National Security Force.

To support the development of the Afghan National Security Force, NTM-A focused on three key areas for the first year: grow the force, increase the quality of the force and build the foundation to professionalize the force. In the upcoming year NTM-A will sustain the progress achieved to date with a more dedicated focus on continuing growth, building support, enabling forces, developing self-sustainable security systems and enduring institutions, and beginning the process to professionalize the force.

While there were some solid programs at the establishment of NTM-A, there were urgent challenges due to the lack of resources and narrow mandate given to the previous command. Some training facilities were almost shuttered due to

*Lieutenant General William B. Caldwell, IV, U.S. Army, is Commanding General of the NATO Training Mission-Afghanistan in Kabul, Afghanistan.*

lack of personnel, and the training that was being provided focused on getting as many soldiers and police into the field as quickly as possible, mortgaging quality for quantity. Most police were recruited and assigned without being trained – and also while lacking a living wage, let alone wage parity with other similar security jobs or even the Taliban. Recruiting dropped to near record lows and there was a lack of solid and credible Afghan leadership, particularly at the mid-level.

To begin to address these significant challenges, NTM-A worked over the past year to get the inputs right with respect to resources, strategy, organization and people. Part of this effort was changing our internal organization to build a seamless, combined headquarters and updating approaches to key programs. These efforts helped our Afghan partners to reverse negative trends, and to field an infantry-centric army and basic police force capable of participating in counterinsurgency operations. Together, the Afghan National Security Force and NTM-A have created significant progress going into the next year.

Over the last year, the Afghan National Security Force has enjoyed extraordinary growth and increased training capacity. In the first ten

months, the Afghan National Army (ANA) total strength grew from 97,011 to 138,164, an increase of 41,153 (42 percent), and the Afghan National Police (ANP) total strength grew from 94,958 to 120,504, an increase of 25,546 (27 percent). In total the Afghan National Security Force grew from 191,969 to 258,668, an increase of 66,699 (35 percent). However, high attrition remains a long-term concern, especially in units that are constantly in combat like the Afghan National Civil Order Police and army units in Southern Afghanistan.

While an increase in the quantity of the Afghan National Security Force is a sign of progress, we realized shortly after the activation of NTM-A that while quantity is important, quality is still imperative. It is the foundation of professionalism and our number one challenge to building a self-sustaining Afghan National Security Force is developing professionalism within its ranks. Professionalism is the key ingredient to an enduring force that can serve and protect its people.

To address this, NTM-A has emphasized literacy, as it is the basis for professional military and law

◄ **25 | Ministerial and Security Force Development in Afghanistan |** Lieutenant General William B. Caldwell

enforcement personnel. Training improved, partly as NTM-A focused on three steps for training: train Afghan recruits, train Afghans to be trainers and train Afghans to assume control of their systems and institutions.

For the army, we brought on line the first ANA branch and specialty schools, which will develop specialized skill sets to facilitate the ANA becoming an enduring, self-generating and self-sustaining force.

For the police, the Ministry of Interior and NTM-A implemented a new model of "Recruit-Train-Assign," which makes training mandatory for all police recruits and thereby provides entry-level professionalization for the Afghan Uniformed Police.

Additionally, the Afghan government started an initiative to establish Afghan Local Police (ALP). The ALP are local police forces and will help "thicken" security and set the conditions for enduring local security, enabling increased development and governance in local areas.

Finally, NATO Air Training Command-Afghanistan (NATC-A) assisted the Afghan Air Force in making significant progress towards becoming a professional, fully independent,

operationally capable and sustainable force by 2016. With NTM-A support, all elements of the Afghan National Security Force improved in logistics, intelligence, medical, legal and communications. However, there is still much work to be done.

Ministerial development programs, run by the U.S.-only section of NTM-A (called the Combined Security Transition Command – Afghanistan) assisted the Afghan Ministries of Defense and Interior in building systems required to grow and professionalize their security ministries. Today, our advisory efforts have been reorganized and we have brought in more senior advisors with specialized skills, both civilian and military. These changes allowed NTM-A advisors to facilitate steady, incremental progress in the Afghan Ministries of Interior and Defense over the past year.

This progress includes NTM-A anti-corruption efforts that focus on preventive behavior modification, which encourages Afghan National Security Force leaders to be aggressive in their anti-corruption efforts. Some of the major efforts to stem corruption include implementing electronic funds transfers of pay to provide transparency for salaries and following International Security Assistance Force guidance on counterinsurgency

contracting practices.

Both of these measures ensure that the money that the Afghan government and international community are providing to their security force are getting to the right people and not creating negative effects on soldier and police development.

NTM-A's Afghan First and Afghan Made procurement initiatives created thousands of enduring, sustainable Afghan jobs and ensured that we are enabling indigenous manufacturers to outfit and equip the Afghan National Security Force. NTM-A is currently about 75 percent manned after receiving an influx of U.S. and NATO personnel since November 2009. Twenty-nine Coalition nations provide troops to NTM-A; another six nations have pledged future troop support.

In addition to personnel, 21 nations also supported Afghan National Security Force development through a variety of donations including infrastructure, supplies, equipment, and NATO Trust Fund deposits. Although this progress is promising, approximately eight hundred more institutional trainers are needed to fill all NATO trainer positions; a lack of these specialty trainers will undermine further progress and ultimately delay transition.

For the next year, NTM-A will assist the Afghan National Security Force in leveraging the solid foundation we collectively built. While there has been substantial progress in growth and in building the training base, and while we are optimistic about the future, we are realistic about the challenges we face. The NTM-A vision for next year is sustaining the momentum we have built.

To support this vision, NTM-A's focus areas will be: continue growth, build support, enable forces, develop self-sustainable security systems and enduring institutions, and begin the process to professionalize the force.

The Afghan National Security Force and NTM-A have formed a strong, winning team. It is truly a team of teams to meet the challenges of the coming year – challenges that can be overcome with proper planning, effort, stewardship and resourcing. ■
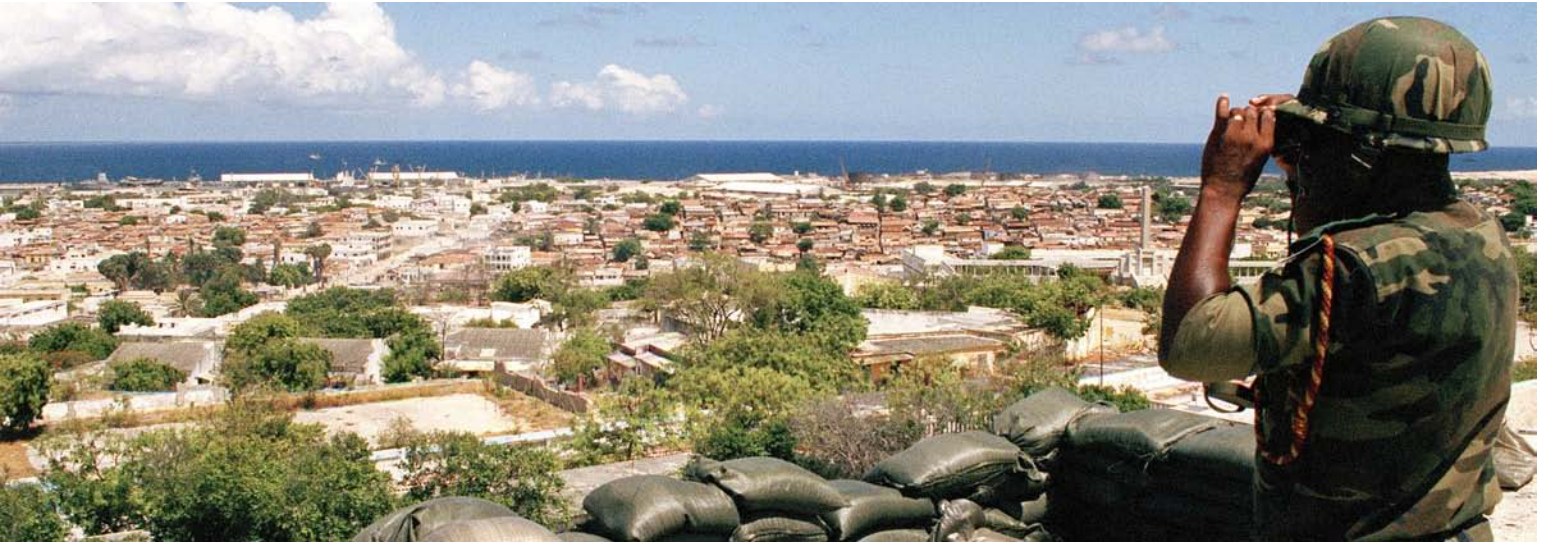


*An Afghan helicopter crew chief marshals out an Air Interdiction Unit helicopter. Photo: NATO Training Mission*

Geoffrey Goldberg

# Advancing Contingency Operations in Africa

## How contractors can enhance peacekeeping in fragile states



*Looking for a solution. Photo: Milton Grant/UN*

IN order to advance contingency operations in Africa, there must be increased advocacy for the use of private military, security, intelligence, and logistics contractors in support of international stability operations.

Most support for the concept of practicality stems from situations where too few peacekeepers are spread too thin, do not possess the necessary skill sets and capabilities, and thus are unable to respond effectively. The stability operations industry is more than capable of filling a specific void, whether due to an inherent lack of personnel and resources, or shortcoming of political will at home. A case in point is the Horn of Africa.

In the most understated terms, the political situation in Somalia can be described as highly unstable. The ongoing civil conflict between the struggling Transitional Federal Government and the battling Islamist factions within, including al-Shabaab and Hizbul Islam, persists with increasing hostility.

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Even with international assistance from both the United Nations and African Union, the situation remains extremely fragile, while peacekeeping operations remain relatively ineffective. Additional international assistance from other nations able to contribute security forces is lacking, if it exists at all. We see this apathy not only in Somalia, but also in conflicts plaguing the Democratic Republic of the Congo and the Sudan.

Over the years, efforts have been made in some parts of the world to advance the operational concept of utilizing contractor capabilities for specific use in contingency operations. The African Peacekeeping Program (AFRICAP) under the U.S. Department of State (DoS), maintains a mission statement of sponsoring and supporting capacity building in African nations, while assisting in the prevention of conflict, as well as facilitating conflict resolution.

Four private contractors have been selected to fulfill contracts in support of contingency operations for the DoS-directed AFRICAP, as of September 2009. This contract totals $1.5 billion, allotting $375 million each to AECOM, DynCorp International, PAE and PSI. DynCorp proves to be an excellent case study with regard to the Horn

of Africa, having already yielded positive and productive results.

The DoS contract authorizes DynCorp to provide assistance to the African Union Mission in Somalia (AMISOM). All operations in support of peacekeeping contingency operations, ranging from aviation and transportation, to infrastructure and development, as well as security, training and mentoring, can be classified under the company's *Rapid Response Adaptable Solutions* and *Mission Support Solutions*. More specifically, the company continues to equip, supply, transport, support and train the Burundian and Ugandan peacekeeping units of AMISOM.

The initial concept of operations included the transportation of troops and supplies in, out and throughout Somalia, one of the most logistically challenging and time-consuming tasks for the African Union prior to outside assistance, largely due to the lack of personnel and vehicles. Less than a month after authorization by the U.N. Security Council, the company was operational, on location, and transporting troops.

An additional example of contractor involvement

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is the equipping and training of peacekeeping troops, such as the Marine Unit of the Ugandan Peoples Defense Force, which has since been deployed to Mogadishu.

Contracting responsibilities require transportation to forward deployed A.U. forces across the state to ship, equip and re-supply. They have also effectively provided maintenance to the majority of the AMISOM fleet. A variety of equipment has been supplied, including brand new armored vehicles, rigid hull inflatable boats, trucks and trailers, to construction equipment, generators and water pumps. According to DynCorp International statistics, the company has efficiently provided infiltration and exfiltration to accommodate in excess of 12,000 African peacekeepers; operated more than 280 airborne evacuations via company aircraft; and transported in surplus of 15 million pounds of cargo by sea, air and land. DynCorp states that these significant services have provided for the first presence of practical peacekeeping operations forces in Somalia in 12 years.

The Somalia case study can provide a fundamental framework for engagement in a variety of instability or security situations, and this model can then be further adapted for specific peacekeeping activities in specific regions or areas of operations. Many cite the DRC and Sudan as two prospective examples for such application.

Today, peacekeeping operations, along with a viable police force, are an absolute necessity in the DRC. Currently, the United Nations Mission to the DRC (MONUSCO) works towards establishing stability, as a combined result of the First Congo War, Second Congo War (which evidence suggests is ongoing), and Kivu Conflict. The nation's extremely complex and volatile stability situation is currently further undermined by Congolese rebel regiments who continue to attack, plunder, torture, kidnap, exploit, and rape their way through villages. The highly mobile presence of the Lord's Resistance Army that continues to terrorize the border region of the DRC, Sudan, Uganda, and the Central African Republic only compounds the problem.

The introduction or addition of private security contractors would potentially benefit peacekeeping operations, by either directly strengthening stability with an armed presence with regards to protection and security services, or indirectly with fully-integrated long-range logistical support to continuing contingency operations of the peacekeepers.

Similarly, there is a dire need for an urgent proactive and reactive peacekeeping security presence in the highly unstable nation of the Sudan, particularly in Darfur. The United Nations African Union Mission in Darfur (UNAMID) has a security presence that is not sufficient enough to



*Peacekeeping needed. Photos: Albert Gonzalez Farran*

provide the protection that is proportionate to the ongoing civil war, sporadic engagements between the multitude of actors involved, and the millions of vulnerable displaced persons.

Moreover, tensions are certain to escalate in the coming months with the schedule national referendum. The introduction of a significant security contractor presence in support of stability operations throughout the nation would alleviate some of the pressure on the peacekeeping parties involved, thereby greatly improving regional stability.

The recurring dilemma is not the actual presence of a peacekeeping force, but rather the lack of effectiveness in acting as a catalyst for peace, and most importantly, in protecting innocent lives.

Unfortunately, in many cases, the United Nations can only serve as an observer in regions of conflict, while engaging the antagonists and/or combatants if, and only if, fired upon. In other cases, peacekeeping forces are overstretched and unable to deploy as widely as necessary; thus, they are unable to be in the vicinity of each skirmish or promptly respond to every incident.

Through the addition of private contractors in regions of conflict, be it Somalia, the Democratic Republic of the Congo or the Sudan, stability can be increased across the African continent. Ultimately, if we are serious about success in advancing contingency operations in Africa, then we must seriously consider the operational practicality of the private security industry. ∎



*Standing brave…and few. Photo: Martine Perret/UN*

Ambassador Herman J. Cohen (Ret.)

# Côte d'Ivoire: A Tale of Two Presidents

## A contested election strains ethnic divides and peacekeeping strides




*Alassane Ouattara and Laurent Gbagbo cast their votes. Photos: Basile Zoma/UN*

THERE are many different and creative ways of rigging an election, but the November 2010 presidential election in Côte d'Ivoire takes the cake.

After spending five years beyond his normal mandate haggling over the definition of voter eligibility, President Laurent Gbagbo finally accepted a compromise election formula proposed by the United Nations. On that basis, a presidential election was held in November to December 2010. The first election round with about a dozen candidates reduced the field to a runoff round with the two leading vote recipients, incumbent president Gbagbo, and opposition leader Alassane Ouattara.

The Independent Election Commission, representing all political groupings in the country, counted the ballots under the supervision of the United Nations and international observers. The final count gave 52 percent to Ouattara and 48 percent to Gbagbo. Then, a funny thing happened on the way to the inauguration.

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The Constitutional Court, the highest judicial tribunal in the nation, studied the results and declared that a bunch of election districts in the northern part of Côte d'Ivoire had suffered from vote fraud and ballots from those districts were declared invalid. Just by coincidence, the nullified ballots changed the results so that Gbagbo had 52 percent, and Ouattara had 48 percent.

However, the U.N. special representative had not waited for the Constitutional Court. He declared Ouattara the winner immediately after the final count was announced by the election commission. At the same time, Ouattara received congratulations and recognition as the winner from President Barack Obama, President Nicolas Sarkozy of France, the African Union and the Economic Union of West African States (ECOWAS).

For his part, Gbagbo accepted the verdict of the Constitutional Court and had himself sworn in as the new president, succeeding himself. Yet, having received all those international endorsements, Ouattara also swore himself in. So, Côte d'Ivoire ended up with two presidents, one designated as legitimate (Ouattara) and the other as illegitimate (Gbagbo) by the United Nations and the rest of the international community.

As of this article's publication, the two-president stalemate, each claiming legitimacy, continues. Gbagbo enjoys the loyalty of the military, thereby making his ejection by force problematic at best. However, the message from the international community is unanimous: "Gbagbo should step down."

As is always the case in African politics, the background to the current struggle is far bigger and more complex than just a clash between two ambitious politicians. Before the beginning of civil strife and instability in 1999, Côte d'Ivoire was one of the best economic performers in Africa. Its production of cocoa, coffee, pineapples and other tropical commodities brought in lots of export earnings. Much of those earnings were shared with the producers and farmers, unlike commodity earnings in most other African countries. Côte d'Ivoire was a role model for economic development and poverty reduction.

Ethno-political and demographic issues began to rise to the forefront toward the mid-1990s. For the previous five generations, the Sahel countries

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to the north of Côte d'Ivoire provided plantation labor. Hundreds of thousands of migrant workers from Burkina Faso, Niger, Chad, and Mali came to work on the plantations. Remittances from these migrant plantation farmers to their home families in the neighboring countries became important elements in those nations' efforts to keep populations above the poverty line.

The extensive use of migrant farm labor from countries to its north helped make Côte d'Ivoire one of the most prosperous and most promising economic performers in West Africa; but there were unintended consequences from this policy. After five generations, a considerable number of foreign migrant families qualified for Ivoirien citizenship by virtue of their birth in Côte d'Ivoire. The population of persons holding citizenship in neighboring countries, but living and procreating in Côte d'Ivoire, is now quite significant; and up to hundreds of thousands of descendents of those original migrants, who were born in Côte d'Ivoire, are demanding the right to vote. Ouattara is a northerner Muslim who identifieds with the culture of the Sahel migrants. Most of the migrant families are Muslim. However, the original founders of independent Côte d'Ivoire are coastal people who are mainly Christian or Animist; and these people fear that the demographic trend is running against their kind, and that there is a risk of the Muslim populations of the north becoming a majority.

The greater implications of the presidential election, which, again, gave the Muslim Ouattara the victory over the Christian Gbagbo, are that the Ivoriens of Sahel origin may already have the majority, or are moving steadily toward achieving it. This prospect scares the southern Christians, who feel they are the legitimate "owners" of Côte d'Ivoire. If your grandfather or great grandfather was not born in Côte d'Ivoire, you should not be eligible to vote, according to them. This issue escalated to a five-year civil war from 2000 to 2005.

What is likely to happen next? If Gbagbo toughens up and decides not to step down, he will face tremendous pressure and opprobrium from both the domestic and international communities, including isolation and sanctions. There may also be a return to civil war, given that Ouattara's supporters control military, police and political power in the northern part of the country.

The short-term prospect for stability in Côte d'Ivoire is very low. There is a contingent of U.N. troops in the country, keeping the peace between the country's Sahelian north and Christian south; but if big war breaks out, the U.N. blue helmets are not likely to be able to stop it.

*A nation waits. Photo: Basile Zoma/UN*

A lot will depend on the willingness or unwillingness of neighboring countries to the north, all of which favor the Sahelian Ouattara, to provide arms and other support to a resumption of insurgency against Gbagbo. Let us hope that the international political pressure persuades Gbagbo to step down before the pressure for war reaches its boiling point.

Even with all of this in mind, an additional benefit of Gbagbo's stepping down would be a boost for democracy, which appeared to work quite well in the presidential election, constitutional court rigging notwithstanding. ■

## ◀ 04 | Squandering the Potential for Success | Doug Brooks

problem confronted may be the limited time necessary to properly train an effective police force before an expected U.S. military withdrawal.

Many of the problems facing the current command – as well as the very real successes – are catalogued in an article by Lieutenant General William B. Caldwell, the Commanding General of the NATO Training Mission-Afghanistan [see p. 25 of this issue]. Although it is clear that the NATO training has the right goals and concepts, a shortage of nearly 1,000 trainers is compounded by an apparently high-level and short-sighted decision to shun the use of contractors to fill this gap.

Finally, mentors have an essential role to support police training in the field. Mentor programs bring experienced police from more developed nations to deploy in the field with the newly trained Afghan police. They help to implement and reinforce essential lessons from the training that the police will need to do their jobs effectively and professionally. Most mentors are contractors as well, tasked with one of the most dangerous jobs in Afghanistan. An essential point raised during the ISOA-hosted discussion was the need to earn the confidence of the Afghan population, something that can only be done with a professional police force. Mentors have a key role in ensuring that outcome.

Although there is increasingly heated debate over supporting the international operation in Afghanistan, no rational observer could argue against the goal of leaving Afghans with effective and professional security.

Ideally, the world's finest militaries and police forces could gather the resources and capabilities to achieve that objective, but despite the best of intentions no one is making that case. Instead, we see very capable and knowledgeable people trying to achieve the impossible without the time and personnel necessary.

As seen in the ACOTA program in Africa and other training programs in the Balkans and elsewhere, the private sector has the capability and resources to provide the essential support and personnel to transform this imminent catastrophe into a program that might actually leave Afghans with soldiers and police they can trust, and in numbers that will make a difference in the viability of an Afghan state.

The origin of the main resistance to utilizing the private sector's near limitless resources for this training is unclear, but abandoning Afghanistan with unfinished security sector reform would be a humanitarian disaster and allow the country to once again fall into the chaos characteristic of the post-Soviet period. ■

Gary Sturgess

# The Profit Motive

## Forging the path from suspicion to public trust




*Popular perceptions of the contractor. Photos: Stock*

**S**USPICION of the profit motive is a thread that runs through the long history of public service contracting, and it recurs with such frequency that it should not be lightly dismissed by those who advocate competition and contracting in public services. There are no doubt earlier examples, but let us start with the New Testament, where Jesus uses the universal dislike of tax farmers to underpin his Parable of the Modest Contractor.

Two men went up into the temple to pray, one a Pharisee, and the other a public contractor. The Pharisee stood and prayed thus with himself, "God, I thank thee, that I am not as other men are, extortionists, unjust, adulterers, or even as this contractor. I fast twice in the week. I give tithes of all that I possess."

And the contractor, standing afar off, would not lift up so much as his eyes until heaven, but smote upon his breast, saying, "God be merciful to me a sinner."

I tell you, this man went down to his house

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justified rather than the other, for every one that exalteth himself shall be abased, and he that humbleth himself shall be exalted.

The contractor in question was a tax collector, but the word used for these men in the New Testament – *publicani* – was used by the Romans to refer to any government contractor.

The same suspicion was there in medieval times: in early 12th century England, when writing about Henry I's use of Breton mercenaries, William of Malmesbury damned him for "hiring the faith of faithless people."

John of Gaunt's majestic speech in Shakespeare's *Richard II*, in which he attacks the king's mismanagement of the kingdom and his securitization of future revenues through "leasing" is a searing attack on what today might be called "public-private partnerships":

This blessed plot, this earth, this realm, this England,
This nurse, this teeming womb of royal kings,
Fear'd by their breed as far from home,
For Christian service and true chivalry,
As is the sepulchre in stubborn Jewry

Of the world's ransom, blessed Mary's Son;
This land of such dear souls, this dear, dear land,
Dear for her reputation through the world,
Is now leas'd out – I die pronouncing it –
Like a tenement or pelting farm.
England, bound in with the triumphant sea,
Whose rocky shore beats back the envious siege
Of wat'ry Neptune, is now bound in with shame,
With inky blots and rotten parchment bonds;
That England, that was wont to conquer others,
Hath made a shameful conquest of itself. [1]

An anonymous political tract of 1771, attributed to Samuel Johnson, condemned the profiteering of military contractors:

If he that shared the danger shared the profit; if he that bled in the battle grew rich by the victory, he might show his gains without envy. But at the conclusion of a ten years war how are we recompensed for the death of multitudes, and the expense of millions, but by contemplating the sudden glories of paymasters

**The Profit Motive|** Gary Sturgess

and agents, contractors and commissaries, whose equipages shine like meteors and whose palaces rise like exhalations.

In the early 19th century, the British political philosopher Jeremy Bentham – who can best be described as the father of modern contract theory – concluded that "Public opinion is but little favorable to the system of contracts. The savings which result to the state are forgotten, whilst the profits reaped by the farmers are recollected and exaggerated."

And at the height of the British Empire, Rudyard Kipling wryly observed:

> Who shall doubt 'the secret hid
> Under Cheops' pyramid'
> Was that the contractor did
> Cheops out of several millions?
> Or that Joseph's sudden rise
> To Comptroller of Supplies
> Was a fraud of monstrous size
> On King Pharoah's swart civilians?[2]

What explains this deep suspicion of profit-making from public services? In large part it arises from concerns about mercenary motives. Edmund Burke, the 18th century philosopher and politician (who was not averse to contracting) told the House of Commons in 1783: "We had not a right to make a market of our duties." Most of us believe that there are aspects of our life that ought not be driven primarily by monetary considera-

tions.

This was the subject of extensive discussion and debate in the late 18th and early 19th centuries, as traditional, hierarchical societies in Europe gave way to more open, market-oriented ones. There was an extensive popular literature that debated "writing, fighting and marrying for money" (as one historian of the period has recently described it). James Fenimore Cooper, Jane Austen and Sir Walter Scott all dealt with this issue in their writings.

Of course, the boundaries of acceptability change: it is no longer necessary for professional authors to insist that they do not write for money. But in the public domain, people remain deeply interested in the motives of those who deliver services. The 1901 motto of the Royal Army Medical Corps – "faithful amid difficulties" – resonates with the public-at-large. Of course, "faithful" does not collect the garbage if service providers are overwhelmed by difficulty. The public also expect services to be efficient, effective and accountable – which is why, in spite of the suspicion, there is still a place for competition and contracting.

Indeed, Bentham regarded suspicion as one of the great strengths of the contracting system: "Jealousy is the life and soul of government. Transparency of management is certainly of no avail without eyes to look at it. Other things being equal, that sort of man whose conduct is likely to

be the most narrowly watched, is therefore the properest man to choose."

Still, are there things that might be done to reduce these concerns? The most obvious response, as Bentham recognized, is that if contractors are rich, "this is not the fault of the system, but of the conditions of the bargain made with them," i.e. the government needs to be a smarter customer. A modern critic of military contracting Deborah Avant has argued: "If customers choose 'cowboys' more often, they will (intentionally or not) reshape professional norms."

To Edmund Burke, the answer lay in reasonable returns: "An honorable and fair profit is the best security against avarice and rapacity; as in all things else, a lawful and regulated enjoyment is the best security against debauchery and excess."

Faithfulness in the face of difficulty also makes a difference. Many people in Denmark do not know or care that their fire and ambulance service is owned and operated by a private, for-profit provider, since Falck has always been there when it mattered. Wells Fargo, the 19th century express company that also provided banking and postal services, first won a place in the hearts of the people of the Pacific Coast by staying open during a monetary crisis, paying out deposits.

Competitive tendering is another part of the cure. They may not like rich profits, but the public likes competition. Tenders are a ritualized contest, in which providers compete head-to-head to deliver better value for the taxpayer. Of course, like any human institution, it is often flawed, sometimes fatally, but the public likes competitive tendering because it offers a much greater degree of transparency.

Given its long history, public suspicion of profit-making may well be the life and soul of contracting, but some companies have succeeded in winning the public's trust. ∎

### Footnotes

1. William, Shakespeare, *Richard II*, *Shakespeare.Select Plays,* ed. W.G. Clark and W.A. Wright, Oxford (Clarendon, 1876): 21.
2. Runyard Kipling, "A General Summary," *The Kipling Society*, http://www.kipling.org.uk..


*A familiar face in Denmark. Photo: Stock*

# The ISOA Membership

## The International Stability Operations Association

The International Stability Operations Association is proud to have a multisectoral membership that represents the many various aspects of operations performed in conflict, post-conflict, disaster relief and reconstruction efforts. The Membership Directory attempts to provide a visualization of the different roles that our member companies fulfill in contingency operations by using the icons below to classify each company's activities.

- Armored Vehicles
- Aviation Logistics and Maintenance
- Aviation: Rotary
- Base Support and Logistics
- Communications and Tracking
- Construction
- Consulting Services
- Demining and UXO Removal
- Equipment
- Fleet Management, Leasing & Maintenance
- Ground Transportation Logistics
- Human Development and Capacity Building
- Information Technology
- Intelligence Services and Analysis
- Language Services and Interpretation
- Legal, Accounting and Compliance Services
- Logistics, Freight and Supply
- Medical Support Services
- Product Suppliers and Manufacturers
- Recruitment and Human Resources
- Risk Management
- Security
- Security Sector Reform
- Shelter
- Training

*Abbreviations*   **HQ** Location of company headquarters   **W** Website   **PC** ISOA Point-of-Contact/Designated Delegate   **YM** Number of years as Member of ISOA
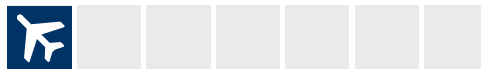
## AECOM Technology Corporation

- **HQ** Los Angeles, California
- **W** www.aecom.com
- **PC** Col. Rick Orth (Ret.)
- **YM** 2.6 years

## Air Charter Service PLC

- **HQ** Surrey, United Kingdom
- **W** www.aircharter.co.uk
- **PC** Tony Bauckham
- **YM** 0.7 years

## ARINC Engineering Services LLC

- **HQ** Annapolis, Maryland
- **W** www.arinc.com
- **PC** Bradley J. Little
- **YM** New Member

## Aggreko

- **HQ** Houston, Texas
- **W** www.aggreko.com
- **PC** Belinda Encarnacion
- **YM** New Member
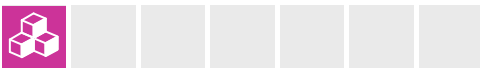
## AMECO

- **HQ** Greenville, South Carolina
- **W** www.ameco.com
- **PC** Paul Camp
- **YM** 5.4 years

## BAE Systems

- **HQ** Rockville, Maryland
- **W** www.baesystems.com
- **PC** Mary Robinson
- **YM** New Member

## Agility

- **HQ** Safat, Kuwait
- **W** www.agilitylogistics.com
- **PC** Thomas Shortley
- **YM** 4.9 years

## American Glass Products

- **HQ** Ras Al Khaimah, U.A.E.
- **W** www.agpglass.com
- **PC** Tobias Beutgen
- **YM** 2.6 years

## Baker Tilly

- **HQ** Vienna, Virginia
- **W** www.bakertilly.com
- **PC** Bill Keating
- **YM** 0.7 years

### Burton Rands Associates

- **HQ** Washington, D.C.
- **W** www.burtonrands.com
- **PC** Nicola Lowther
- **YM** 1.9 years

### Crowell & Moring LLP

- **HQ** Washington, D.C.
- **W** www.crowell.com
- **PC** David Hammond
- **YM** 2.5 years

### DLA Piper LLP

- **HQ** London, United Kingdom
- **W** www.dlapiper.com
- **PC** Tara Lee
- **YM** 1.8 years
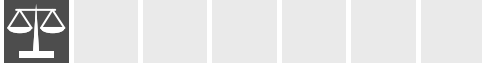
### DynCorp International

- **HQ** Falls Church, Virginia
- **W** www.dyn-intl.com
- **PC** John Gastright
- **YM** 3.6 years

### Ecolog International

- **HQ** Dubai, U.A.E.
- **W** www.ecolog-international.com
- **PC** Florin Hasani
- **YM** 2.6 years

### EOD Technology, Inc.

- **HQ** Lenoir City, Tennessee
- **W** www.eodt.com
- **PC** Bill Pearse
- **YM** 5.0 years

### Frank Crystal & Company

- **HQ** Washington, D.C.
- **W** www.fcrystal.com
- **PC** Jeffrey Wingate
- **YM** New Member
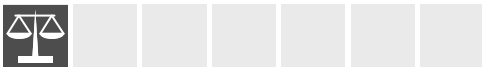
### FSI Worldwide

- **HQ** Dubai, U.A.E.
- **W** www.fsi-worldwide.com
- **PC** Nicholas Forster
- **YM** 2.6 years

### GardaWorld

- **HQ** Montreal, Canada
- **W** www.garda-world.com
- **PC** Andrew Gibson
- **YM** 2.2 years

### Gibson, Dunn & Crutcher LLP

- **HQ** Washington, D.C.
- **W** www.gibsondunn.com
- **PC** Joseph D. West
- **YM** 0.6 years
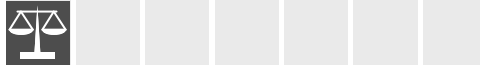
### HART

- **HQ** Limassol, Cyprus
- **W** www.hartsecurity.com
- **PC** Claire Kee
- **YM** 6.0 years

### Holland & Hart LLP

- **HQ** Denver, Colorado
- **W** www.hollandhart.com
- **PC** Trip Mackintosh
- **YM** 1.6 years
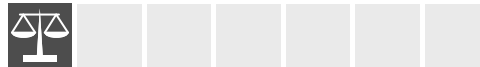
### Interconex, Inc.

- **HQ** Sterling, Virginia
- **W** www.interconex.com
- **PC** Kieran Kayatin
- **YM** New Member

### International Armored Group

- **HQ** Ras Al Khaimah, U.A.E.
- **W** www.interarmored.com
- **PC** Sally Stefova
- **YM** 3.5 years
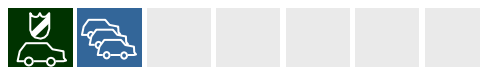
### International Relief & Development

- **HQ** Arlington, Virginia
- **W** www.ird.org
- **PC** Jeffrey Grieco
- **YM** New Member

### J-3 Global Services

- **HQ** Tulsa, Oklahoma
- **W** www.j-3globalservices.com
- **PC** Joe Woolslayer
- **YM** 4.5 years
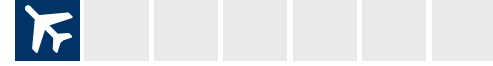
### MineWolf Systems

- **HQ** Pfaffikon, Switzerland
- **W** www.minewolf.com
- **PC** Philipp von Michaelis
- **YM** 2.4 years
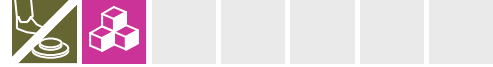
### Mission Essential Personnel

- **HQ** Columbus, Ohio
- **W** www.missionep.com
- **PC** Chris Taylor
- **YM** 2.4 years

### MPRI, an L-3 Division

- **HQ** Alexandria, Virginia
- **W** www.mpri.com
- **PC** Hank Allen
- **YM** 8.0 years

### New Century

- **HQ** Arlington, Virginia
- **W** www.newcentcorp.com
- **PC** Laura Engelbrecht
- **YM** 2.3 years

### Olive Group

- **HQ** Dubai, U.A.E.
- **W** www.olivegroup.com
- **PC** Gene Sticco
- **YM** 5.0 years
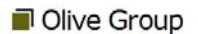
## OSPREA Logistics

- **HQ** Cape Town, South Africa
- **W** www.osprea.com
- **PC** Salih Brandt
- **YM** New Member
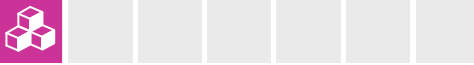
## OSSI, Inc.

- **HQ** Miami, Florida
- **W** www.ossiinc.com
- **PC** John Wallbridge
- **YM** 5.0 years

## Overseas Lease Group

- **HQ** Fort Lauderdale, Florida
- **W** www.overseasleasegroup.com
- **PC** Tracy Badcock
- **YM** 2.8 years

## PAE

- **HQ** Arlington, VA
- **W** www.paegroup.com
- **PC** Tom Callahan
- **YM** 4.7 years
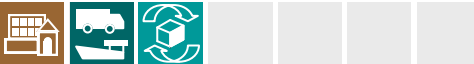
## Paramount Logistics

- **HQ** Johannesburg, South Africa
- **W** www.paramountgroup.biz
- **PC** Richard Merrison
- **YM** 1.9 years
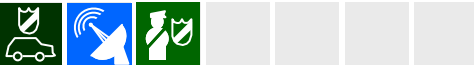
## Pax Mondial

- **HQ** Arlington, Virginia
- **W** www.paxmondial.com
- **PC** Paul Wood
- **YM** 1.7 years

## Reed Inc.

- **HQ** Leesburg, Virginia
- **W** www.reedinc.com
- **PC** Marius van der Riet
- **YM** 4.3 years

## Relyant

- **HQ** Maryville, Tennessee
- **W** www.gorelyant.com
- **PC** Tiffany Midyett
- **YM** 1.4 years

## Rutherfoord

- **HQ** Alexandria, Virginia
- **W** www.rutherfoord.com
- **PC** Sara Payne
- **YM** 2.6 years
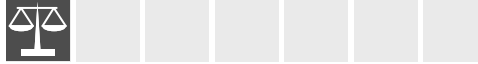
## Securiforce International America

- **HQ** Fort Worth, Texas
- **W** www.securiforce-ia.com
- **PC** Kenneth Nix
- **YM** 1.7 years

## Securiguard Inc.

- **HQ** McLean, Virginia
- **W** www.securiguardinc.com
- **PC** Peter McVety
- **YM** 2.3 years

## Shield International Security

- **HQ** Seoul, South Korea
- **W** www.shieldconsulting.co.kr
- **PC** Lucy Park
- **YM** 0.4 years
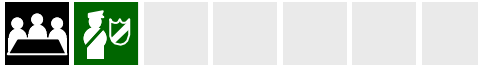
## Shook, Hardy & Bacon LLP

- **HQ** Washington, D.C.
- **W** www.shb.com
- **PC** David Douglass
- **YM** 1.3 years

## SOC Inc.

- **HQ** Chantilly, Virginia
- **W** www.soc-usa.com
- **PC** Shawn James
- **YM** 3.5 years

## SOS International Ltd.

- **HQ** Reston, Virginia
- **W** www.sosiltd.com
- **PC** Michael K. Seidl
- **YM** 2.9 years

## Telum Protection Corp

- **HQ** Southern Pines, N. Carolina
- **W** www.telumcorp.com
- **PC** Alfredo Quiros
- **YM** New Member
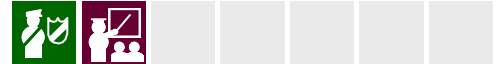
## Triple Canopy

- **HQ** Herndon, Virginia
- **W** www.triplecanopy.com
- **PC** Mark DeWitt
- **YM** 4.2 years

## Unity Resources Group

- **HQ** Dubai, U.A.E.
- **W** www.unityresourcesgroup.com
- **PC** Jim LeBlanc
- **YM** 3.8 years

## URS Federal Services

- **HQ** Germantown, Maryland
- **W** www.urscorp.com
- **PC** Robie Robinson
- **YM** 1.4 years

## Whitney, Bradley & Brown Inc.

- **HQ** Reston, Virginia
- **W** www.wbbinc.com
- **PC** Bob Wells
- **YM** 2.0 years
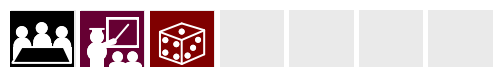
## WSI

- **HQ** Arlington, Virginia
- **W** www.armorgroup.com
- **PC** Mike O'Connell
- **YM** 7.3 years

◀ **22 | Coordinating Stabilization and Reconstruction |** Naveed Bandali

supplier, the northern route is very important.

Certainly among the most important things I did while in Uzbekistan was to help establish a base there from which we could conduct operations, and also to help open the Afghanistan-Uzbekistan Friendship Bridge to put humanitarian supplies into Afghanistan in 2001.

Again, we need to have more than one route into Afghanistan, and of course not just through Uzbekistan, but Tajikistan, Kazakhstan and Kyrgyzstan – all of which have been helpful in providing supplies through the north.

*JIPO: In your view, what lessons may be drawn from the wars in Afghanistan and Iraq?*

**Ambassador Herbst:** I think the most important lesson is that we need to have a very clear and well-grounded objective when we decide to engage. We need to understand what we can achieve and what we cannot, and limit ourselves to realizable objectives that will have the strong support of the American public so that we can sustain a successful operation.

We need to be careful about defining objectives: we do not want to be overly ambitious and we do not want to assume that things that are

normal here in the West can be established over there.

*JIPO: Do you have any strategic recommendations for the Obama administration with respect to Afghanistan and Pakistan?*

**Ambassador Herbst:** I think that we have a critical interest in making sure that Afghanistan cannot be a base from which terrorists could conduct an attack against the United States, and the same for Pakistan.

I think that we need to pursue goals in both countries that we can achieve, and we should avoid additional goals that may be beyond our capacity to achieve and may take our attention off of the principle objectives and interests we have there.

*JIPO: What is on the horizon for you at the Center for Complex Operations (CCO)?*

**Ambassador Herbst:** The CCO has established a superb quarterly journal, PRISM, devoted to stabilization operations, peacebuilding and conflict prevention. We are doing an extensive lessons learned project for Iraq and Afghanistan. And we are also doing a series of conferences on specific issues that relate to this field, such as Sudan, human terrain systems, illicit networks and others in the pipeline as well.

Beyond that, I would like to see the CCO take up practical assignments for the regional combatant commanders related to specific problems of conflict prevention and response. ■

*The views expressed in this interview do not necessarily reflect those of the Department of Defense or State or the U.S. Government.*



*A Civilian Response Corps meeting with leaders in North Darfur. Photo: State Department*

◀ **24 | Africa Needs a New Map |** Robert Wells

It would also assist stability and development organizations and partner nation efforts to coordinate their technical assistance strategies. Scientists, shipping communities and educators would potentially have more impact with their studies, policy and resource allocations through specializing in their maritime area of interest.

### The Way Ahead

The members of the stability and development community involved with improving Africa's

maritime safety and security capacity can help the cause by urging the IMO to make Africa's new map a priority.

Providing Africa with a new map as we begin 2011 is a positive first step that would signal a serious commitment by policy makers to Africa's maritime security and maritime infrastructure development needs.

It would also simultaneously acknowledge African independence for the future and under-

score the IMO's enduring commitment to maritime safety and security. As they always say: At sea, good voyage planning requires the latest chart.

Once a new African map with EEZs is available, projects involving the development of African maritime safety and security capacity can navigate their programs with new confidence. ■

Since 1998, International Relief & Development has been helping provide the world's most vulnerable people with the tools and resources needed to increase their self-sufficiency.

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Central to IRD's approach is our capacity to design and implement civilian-led activities that respond to local conditions and engage and mobilize communities to take the lead. In Afghanistan, as in many of our programs, over 90 percent of the work is implemented by local staff.

We place a premium on building lasting relationships and strengthening the capabilities of beneficiaries to build peaceful and sustainable change on their own. Working from the bottom up, IRD aims to give host-country citizens a voice in their future and include them in the stabilization and long-term development of their communities and nations.

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Photo: Olivier Chassot/U.N.

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