The Control of Private Security Companies

A Study of the Relationship between the United States and Private Actors in Plan Colombia

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Chapter One: Introduction and Background

1.1 Introduction

There is a war going on. It takes place in the forests and the mountains. It is not a traditional war. The dispute is not solely over territory. The antagonists are not only states. In addition to guerrillas, paramilitaries, the Colombian state and the United States, this is a war involving private security companies. The latter are the focus of this thesis. I will discuss how the United States controls the companies that have taken over roles traditionally carried out by the national military in Colombia.

After the Cold War there has been a tremendous growth in the private security industry. Private security companies (PSCs) are increasingly replacing or supplementing national military and security personnel in conflict areas. Multilateral, regional and humanitarian organisations, transnational corporations and countries are all using PSCs extensively. The explosion of the private security industry must have surprised lawmakers as well as academics. The field of private security is marked by great uncertainty. The laws and regulations seem to have fallen behind the realities (Singer 2004:521). Further, even though the academic literature about PSCs is growing fast, the effects of the companies' activities are undoubtedly still uncertain and disputed. Many cases with PSCs involved remain unexplored and this calls for an exploratory research design. Through the work on this thesis I have tried to find more information about the effects of these private companies by taking a closer look at the situation in Colombia.

The war in Iraq that started in 2003 has been called the final breakthrough for privatisation of war services in the Western world (Isenberg 2004 and Avant 2005 referred in Østerud 2005:79). In the 1991 Gulf War the ratio of PSC employees to US active-duty personnel was 1:50. In 2003 the ratio of US troops to PSC employees in the war in Iraq was estimated at 1:10, and since then the number of PSC employees has increased (Holmqvist 2005:23; Singer 2004:523). But before the PSCs intervened as a part of the US-led campaign in Iraq, they had already been an integral part of US military operations in Colombia. The US sent military support to combat left-wing guerrillas in Colombia all through the Cold War. The significant level of rural

violence in Colombia in the period after the Second World War, made US warfare experts think that the country was suitable for trying out new counterinsurgency techniques. In addition, the US also funded and trained Colombian officers. Between 1950 and 1979 7,917 Colombian officers were trained by US military personnel at the School of the Americas in Panama and elsewhere (Livingstone 2004:148, 155-156).

During the 1990s PSCs were increasingly taking part in US-led and funded military operations in Colombia. By 2002 17 US and British PSCs were hired directly as contributors to the US support for Plan Colombia, the Colombian government's program to fight drug trafficking (El Tiempo 06.19-20. 2003; The US State Department 04.14. 2003). The number of years of employment and the extensive range of services performed make the PSCs in Colombia an interesting case study.

The expansion of the private security industry has raised new questions about the use of military force in conflict resolution. Shearer points to how some commentators label the companies as modern mercenaries and propose to keep them out of military operations due to their solely profit-driven motivation and neoimperialistic character (1998:9). It is often referred to the story of "Mad Mike" Hoare in relation to modern mercenaries (Østerud 2005:83; Silverstein 2000:146-147; Singer 2003:37). Hoare and his men operated as a group of mercenaries called *"Les Affreux"* – The Terrible Ones – in former Belgian Congo in the 1960s. The group became infamous for their murderous campaigns and exploitation (Silverstein 2000:147; Singer 2004:527). Others portray the companies as a market-driven key to successful peace (Brooks 2002). In this perspective the PSCs may be seen as legal business entities that provide a wide range of services and have a varied group of customers (Østerud 2005:87). The transnational company Halliburton headed by Dick Cheney for five years before he became vice president in the US has for instance several subsidiary PSCs (Borenstein 03.11. 2004). The difference between seeing PSCs as mercenaries and peacekeepers is an illustration of the uncertainty surrounding these companies.

The scope of the thesis is to look at Plan Colombia and analyse what effects the delegation of tasks to PSCs have. This delegation touches on the principal-agent

problem. How will the use of private actors affect the transparency of US foreign policy? Do the PSCs enhance the risk that the US gets involved in operations that break international law and human rights? These are some of the central questions that will be discussed.

The rest of this chapter is organised as follows: First, the term private security companies will be defined. Then there will be given an overview of the conflict in Colombia and the US contribution to the country. Finally, the chapter ends with a presentation of the research question.

1.2 Definition of Private Security Companies

Private security companies do not have a clear-cut definition and this can cause confusion. Different authors use different terms. Terms like "mercenaries", "contractors", "private warriors", "fortune's warriors", "private military firms" and "private security companies", which create quite different connotations, are frequently used in the academic literature and media to cover the same phenomenon. In this thesis the term private security companies with the initials PSCs is used to denote all the companies in the private security industry. They are "profit-driven organizations that trade in professional services intricately linked to warfare" (Singer 2001:186). The term PSCs covers companies that offer offensive and defensive services. The activities of these companies range from logistic functions like catering, transport and camp building to military training and front line combat (Holmqvist 2005:3-6).

The "Tip of the Spear" typology is a simple model for classification of different PSCs. In this model the companies are divided into three types according to their range of services and level of force. The tip of the spear symbolises the front line. The first type, *military provider companies*, conducts services at the front line. They can engage in the actual fighting as specialists, for instance combat pilots, or through command of forces. The second type, *military consulting companies*, offers training and advisory services. The third type, *military support companies*, provides supplementary military services like non-lethal aid and assistance. These supplements

are for instance technical support, transportation, intelligence and logistics (Singer 2003:91-100).

Reasons for the Growth of Private Security Companies

Military budgets were reduced in the aftermath of the Cold War. Weapon industry trade magazines were in the early 1990s afraid that the budget of the US Department of Defense could fall to about half of its average during the Cold War (Silverstein 2000:5). It was argued that the image of a clear and immediate outside threat had been removed. Defense manpower therefore declined as military expenditures were cut. A lot of men and women, who had made a career in the military, lost their jobs and had to seek other work opportunities. In the West the armed forces experienced a significant decline in standards (Mandel 2001:131). The US Department of Defense looked for cheaper alternatives in the private sector. It is important to note that the downsizing of the military started before international terrorism was established as a global threat. After September 11 2001 military expenditures have been rising greatly in the US (Sköns et al. 2004).

The privatisation of the military has been linked to the revolution in military affairs: The requirements of high-technology warfare have increased the need for specialised expertise and this must often be hired from the private sector (Singer 2001:195). Western governments have turned to private actors as a result of the rising costs of national armies, professional training and armaments research and development (Krahmann 2002).

Privatisation is one of the trademarks of modernisation of the military. This development can also be linked to the great wave of market models for reforming government that hit representative democracies, especially in Western countries, in the beginning of the 1980s. The crux of *new public management* is the efficiency of markets as the mechanism for allocating resources. It is believed that the outsourcing of tasks to a free market will create better and more cost-efficient solutions (Christensen and Lægreid 2001:67-70; Peters 2001:23-49).

The development towards privatisation of the military can also be analysed on a more philosophical level. Modern Western warfare can be seen as a result of a

technological development that has dehumanised war (Coker 2002:57-60). Coker sees the modern ways of conducting war as a break with the traditional war ethos: "The Greeks offered warriors the realization of their own humanity" (2002:58). The soldiers no longer die for their beliefs today, according to Coker. Further, it can be interpreted from Coker's analysis that the soldier is not viewed as directly connected to national identity. Modern warfare is "determined almost entirely by what it takes to kill members of the opposing side" (2002:59). If warfare is not viewed as a personal way of confirming the national identity, it does not have to be totally integrated in the national military. The government can loosen its control. When war is considered as an expense like other expenses, it may be outsourced.

Pictures of mutilated US soldiers shocked the US people in 1993. The effort to capture a warlord went terribly wrong for the US troops when a helicopter was shot down in Somalia's capital Mogadishu. 18 US soldiers were killed. The news of the humiliating defeat spread around the world. Newspapers printed pictures of gangs dragging the corpses of US soldiers through the streets (Bowden 1999). The failed operation put heavy pressure on President Clinton. It was claimed that it made Clinton look disinterested in the welfare of US soldiers (ibid:452). After heated statements by members of the Congress, the US president decided to draw all his forces out from the war-torn Somalia. Officially the US forces had come to the country to prevent starvation and rebuild the failed state. When the soldiers left, Somalia was still in a state of anarchy. This story illustrates a great challenge that the US government confronts when it decides to engage in armed conflict: The loss of human lives through military actions can make political leaders unpopular. This might be called "the Somalia syndrome" (Dawoud 2004). This line of reasoning is central in theories about liberal peace: Representative government encourages a reversal of disastrous policies because citizens can punish parties in power with defeat in the next election (Doyle 1997:280). Russet and Oneal state that mounting casualties will make civilian and military moral drop (2001:67). The US government therefore hesitates to engage in conflicts where there is a risk that human lives will be lost. This might have been the reason why the US did not intervene to prevent for example the genocide in Rwanda in 1994 (Mamdani 2001:213).

The US government therefore faces a problem when it sees it necessary to use military force to solve a problem: the engagement of the national military may lead to unpopular losses and cost the government its power. This dilemma is an incentive for the government to find means of using force without losing political support. This is where the PSCs can offer a solution. Not only can they provide military expertise. These companies may also provide the government with the cover it needs to conceal unpopular losses and controversial military operations.

1.3 The Conflict in Colombia – A History of Violence

Colombia has a long history of violence. In the 1930s large-scale farmers started to industrialise their holdings in order to be able to compete on the global coffee market. Small farmers resisted the change and fought to keep their soil. The conflict escalated in the middle of the 1940s. The police helped large landowners in a bloody fight against the peasants. Jorge Eliécer Gaitán, a prominent politician, supported the peasants. He was viewed as a threat to the establishment who feared a peasant-based revolution. The Liberal party, which was in strong opposition to the Conservative party, backed the Conservatives' repression of the peasant rebellion. When Gaitán was shot dead in Bogotá in 1948, the historical period called *"La Violencia"* ("The Violence") started (Dudley 2004:5-6; Leech 2002:11-12). From 1948 to 1957 between 200.000 and 300.000 people were killed in the civil war. The conflict was chaotic; The Conservatives and the Liberals fought each other. At the same time an armed uprising took place against the large landowners on the countryside. Communists and some groups of Liberal guerrillas had begun to organise themselves in "self-defense" groups. In 1958 the Conservatives and the Liberals agreed to form a "National Front" in order to end the war. They decided to share power and did so for the next 16 years. Other political parties were banned. The Communists had gained control over some enclaves and the Colombian and the US government feared that Colombia could follow the revolutionary Cuba. The US government sent weapons and supported the Colombian army with training. There had been a close military cooperation between the two countries after Colombia, as the only country in Latin

America, had sent troops to support US forces in the Korean War (Dudley 2004:5-10; Leech 2002:11-12; Livingstone 2004:153).

In 1964 the Colombian army sent thousands of heavily armed troops to Communist enclaves that had been declared "independent republics". The Communists were forced to escape but they soon regrouped and prepared themselves for a counteroffensive. In 1965 the leftist guerrilla groups National Liberation Army (ELN) and Maoist People's Liberation Army (EPL) were founded. The start of Colombia's modern-day war is said to have begun by the forming of the guerrilla Revolutionary Armed Forces of Colombia, FARC, in 1966 (BBC News 07.14. 2005; Dudley 2004:9-10; Leech 2002:13-15).

The conflict in Colombia is complicated. The war can be described as a mix of a fight over resources and ideology: The country has large reserves of oil, and is a major producer of gold, silver platinum and coal. The society has been greatly divided: On one side a small group of families of Spanish descent has benefited from the extraction of resources. On the other side, the biggest proportion of the population, mostly of mixed race, has suffered from few opportunities to improve their lives. This latter group has been the recruit base for the guerrillas (BBC News 11.12. 2005).

The growth of the drug cartels has complicated the conflict even further. During the 1970s and early 1980s the drug cartels in Colombia expanded fast. The cartel leaders invested in large cattle ranches. The guerrillas discovered that they could get great profits from the kidnapping of landowners involved in drug business and their relatives. FARC had already got a lot of money from taxation of drug business in their areas. The kidnapping, extortion and drug taxation made FARC probably the richest insurgent group in the world (BBC News 09.19. 2003).

In response to the kidnappings, the drug cartels started to organise paramilitary groups to combat the guerrillas and their sympathisers. The militia *"Muerte a Secuestradores"* (Death to Kidnappers) became the model for hundreds of paramilitary organisations during the 1980s. The paramilitaries have been accused of gross human rights violations and collusion with the Colombian army (Leech 2002:18; Veillette 01.19. 2005). In 1989 it became forbidden to take part in self-

defense groups, but this did not stop the paramilitaries. In 1997 the paramilitary groups gathered in a coalition called the United Self-Defense Forces of Colombia (AUC). They launched an offensive against the guerrilla controlled regions south in Colombia. But by 1998 FARC had strengthened its military capability significantly. The guerrilla group now controlled approximately 40 per cent of the national territory. In 1998 FARC was granted a 42,000 sq kilometer safe haven by then President Pastrana. The safe haven was the group's condition for peace talks with the government. But the fighting did not stop. In 2002 the right leaning hardliner Alvaro Uribe became president on a strong anti-guerrilla program. He cancelled the peace talks with FARC and revoked the safe haven. Backed by US military aid, Uribe launched an offensive against the guerrillas (BBC News 09.19. 2003; BBC News 11.12. 2005).

The leaders of Colombia's right-wing paramilitaries have conducted formal peace talks with the government since 2004. In November 2005 AUC claimed that half of their 20.000 soldiers had been disarmed. The guerrilla group FARC had approximately 16.000 soldiers under its command at the end of 2005 (BBC News 07.02. 2004; BBC News 07.14. 2005; BBC News 05.27. 2005b; NTB 11.17. 2005). At least 3,000 civilians are believed to die every year as a result of the war between the paramilitaries, the army and the guerrilla groups. But only about 10 per cent of the total violent deaths in Colombia are linked to this internal conflict. The rest of the homicides are blamed on common criminals and often linked to the drug trade. It is estimated that up to 2,9 million persons were internally displaced in Colombia in 2005 due to the high level of violence (BBC News 05.27. 2005a; Foreign and Commonwealth Office 10.27. 2005; Isacson 2002).

1.4 The US Contribution to Colombia

Colombia is the world's biggest producer of cocaine (Crandall 2002:1-2). Around 90 percent of the cocaine that comes to the US passes through or originates in Colombia (Veillette 05.10. 2005). Colombia has therefore become the ground zero in the US war on drugs. Colombia is today the third leading recipient of US military aid in the world, after Israel and Egypt (Murillo 2004:14; Stokes 2005:ix). Since year 2000 the

US government has spent around $4 billion on aid to support Plan Colombia (BBC News 04.15. 2006). 80 per cent of the US support is spent on military aid. 20 per cent is spent on socio-economic aid (Stokes 2005:96). In 2005 the US support for Plan Colombia was primarily given through the funding program the Andean Counterdrug Initiative (Veillette 05.10. 2005). In political documents and speeches the term "the Andean Counterdrug Initiative" is sometimes preferred to the term "Plan Colombia". I will however consequently call the program "Plan Colombia" because it is the term that is normally used in Colombia and in most media reports.

The US Congress initially stated that support to Plan Colombia was only supposed to be used to fight drug trafficking. After 2002, the US Congress and the US government have expanded their perspective and stated that drug-trade and terrorism in Colombia are tightly linked. The US support has therefore been made "more flexible in order to better support President Uribe's unified campaign against narcotics and terrorism" (Bureau of Western Hemisphere Affairs 2005). The US government has indicated that parts of the support to Plan Colombia are spent on what they call "counter-terrorism" (BBC News 07.05. 2005). The military aid through Plan Colombia is therefore authorised to be used against guerrillas and paramilitaries as well (Isacson 2004a). It has been claimed that this was a big expansion of the US involvement in Colombia since it multiplied the number of potential targets against which US-supported military equipment and units can be employed (Isacson 2002). Three illegally armed groups in Colombia are according to the US State Department participating in drug production and trafficking. These are the two leftist guerrilla groups Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) and the rightist paramilitaries that are coordinated by the United Self-Defense Forces of Colombia (AUC). The US has defined these groups as terrorist organisations (Veillette 05.10. 2005). The US support to combat drugs and terrorism is given in form of advice, assistance, training, equipment and intelligence support to the Colombian army and police. In addition US support is aimed at reviving the Colombian economy, promoting the peace process and strengthening democracy (US Department of State 02.03. 2003). The US is also supporting the Colombian army and police with fumigation missions. Planes flown

by PSC employees and US-trained forces (Stokes 2005:1) spray and destroy coca plantations with a strong glyphosate mixture (Livingstone 2004:136). The US government has also helped Colombia's military to protect oil pipelines from guerrilla attacks and provided intelligence and logistical support to the Colombian military's large-scale counter-insurgency offensive in guerrilla areas south in the country. The latter operation has been called *"Plan Patriota"* (Isacson 2004b).

In fear of risking the lives of US soldiers, supporting the Colombian military, that has a tarnished human rights record, and in order to avoid an escalation of the conflict, the US Congress has restricted the military support to Colombia. US troops are only allowed to train Colombian military units that are free of human rights violators (Singer 2003:206-207). The Congress has put an upper limit for the number of US personnel in Colombia: 800 military troops and 600 PSC employees at any given time (Van Dongen 06.07. 2005; Veillette 05.10. 2005). The limit does not apply to personnel conducting search and rescue operations. Further, there is no limit on the number of foreign nationals that can be hired as PSC employees (Veillette 01.19. 2005). The US government and US PSC companies are therefore allowed to hire personnel from other countries than the US for their services in Colombia (Financial Times 08.12. 2003). In addition to the PSCs that are hired for Plan Colombia, there are a number of PSCs working for different oil companies and other commercial interests in Colombia. These PSCs are however outside the scope of this thesis.

1.5 The Research Question

The lack of accountability is the most common argument against the use of PSCs in military operations (Shearer 1998:69). I want to analyse this argument by taking a closer look at how the US has used and controlled PSCs working for Plan Colombia in the period from year 2000 to spring 2006. As the world's only superpower the US should be the country best equipped to control PSCs that are incorporated into its foreign policy. Still it is frequently claimed that hired companies are operating on their own and breaking laws without any other considerations than to profit.

The research question for this thesis is: *To what degree is the United States able to control the private security companies it hires in Colombia?*

The question focuses on the relationship between the policy makers in the US Congress, the US government that is responsible for enforcing the laws and the hired service providers in the PSCs. I will use the Congress' conditions on US assistance to Colombia as a starting point and discuss to what extent the PSCs follow these. If these restrictions are not followed, the PSCs might be said to act outside the control of the US. The question of control is closely related to the question of responsibility. I will also discuss whether the US has an accountable and transparent system for its use of PSCs that ensures that the government, the Congress, and the voters – the US citizens – know what the PSCs are doing on their behalf.

Chapter Two: Theoretical Framework

2.1 Introduction

The aim of the theoretical framework is to establish a platform for the analysis of the research question. I am primarily using *agency theory* in this thesis. But I have found it useful to build a bridge between agency theory and three other theoretical concepts: *new public management, the state's monopoly on the legitimate means of violence* and *sovereignty*. Together these theories and concepts open for a wide discussion of the relationship between the US and the PSCs. In the first part of this chapter I will present these theoretical concepts and explain how I see them in relation to the research question. In the second part I will present five supplementary terms touching on some of the main concerns in relation to PSCs and debates on control.

2.2 Central Theories

One of the greatest dilemmas of the representative democracy is that the ones to whom power is delegated, may exploit their positions. This is often stressed in analysis of the relationship between voters and their elected representatives. In this thesis it will also be used in analysis of the relationship between PSCs and the US Congress and the US government. The agent, here the PSCs, can act in ways that are in conflict with the interest of the one who has delegated the power – the principal, here the US Congress and the US government. In political science this is often called *the principal-agent problem* or agency theory. Due to lack of capacity, knowledge or collective action problems, the principal hires an agent. Problems can then arise because the relationship between the principal and the agent is built on asymmetric information. The agent may have hidden knowledge and information that can give benefits if the principal is not informed. Further, the agent can perform hidden actions because the principal normally is not capable of monitoring all the tasks it has delegated. This may lead to moral hazard where the agent in order to achieve individual gain, acts in conflict with the interests of the principal without fear of sanctions (Rasch 2000:67-81). By using agency theory I want to investigate if the PSCs in Colombia take advantage of their agent role in order to gain benefits. This

search for benefits might be conducted in ways that are in conflict with the interest of the US politicians.

In this thesis agency theory is connected to new public management. According to the philosophy of new public management outsourcing of tasks creates better and more cost-efficient solutions (Christensen and Lægreid 2001:67-70; Peters 2001:23-49). These reforms are based on the belief that the public sector is facing the same managerial and service delivery tasks as organisations in the private sector. Therefore the public sector should copy the management techniques of the private sector. A successful implementation of this market approach is believed to "result in a more effective and efficient public sector, whether in delivering defense or social services" (Peters 2001:48). This is supposed to create a more flexible system, free from the traditional emphasis on bureaucratic rules. When the private and public sectors face the same problems and can use the same techniques, it is easier to move tasks from the public to the private sector. It is argued that the lack of competition in the public sector is the most dominant explanation for why it is struggling with efficiency problems (Kristensen 1984:104).

Agency theory and new public management are not seen as equivalent theories here. I understand agency theory as an analytical perspective that can be used to explain the pattern of social relations when power is delegated. While agency theory is viewed to be descriptive, I see new public management as more practically oriented: a toolbox with normative suggestions aimed at saving money and gaining more efficiency. I interpret new public management as a group of reforms that are based on the belief that the state should delegate tasks to private agents in all areas where it is sensible. The idea is to establish competition and thereby more cost-efficiency without weakening other central political aims at the same time. In this perspective it is possible to see the principal-agent problem, known from agency theory, as a potential side effect of the growing new public management reforms. By studying concrete examples of outsourcing in Colombia I want to analyse whether the PSCs really provide better and more cost-efficient solutions that are in accordance with US policy. I will make an effort to find and analyse the advantages and disadvantages of using PSCs in Colombia. According to Singer there will always be a

clear tension between the security goals of clients and the companies' desire for profit maximisation (2003:151). This indicates a danger that the companies neglect foreign policy principles in their efforts to enhance their income.

It has been noted that the military is one of the last parts of society that is being reformed in adherence to the principles of new public management (Østerud 2005:92). This shows that Weber's understanding of the state as having monopoly on the legitimate means of violence (Weber 1964:154) has been strong among policy makers. For the last couple of centuries the military profession has been monopolized by the state (Singer 2003:8). It has been claimed that the privatisation of warfare and thereby the hiring of PSCs that started to blossom after the Cold War, challenge the role of the state (Matlary and Østerud 2005:11-12; O'Brien 1998; Singer 2003:7). According to Weber a state is fulfilling its core task if it maintains an exclusive "legitimate use of physical force" (1964:154). The foundation of the state may therefore be challenged when the absolute control of violence is starting to break down through the delegation of military tasks from the government to private actors (Singer 2003:18). Realism, liberalism and constructivism have all presupposed systems of international relations made up of just sovereign states (ibid:171). According to Thomson the entry of private actors shows that "sovereignty is not an absolute, timeless and invariable attribute of the state" (quoted in Singer 2003:171). The privatisation of military services is a reform that challenges the idea of the state to such a great degree that it can be said to be the start of a new era in modern political history. It is however important to note that it is debated how far this development really has come, and it is uncertain what the long-time effects will be (Matlary and Østerud 2005:11-12). It is therefore relevant to try to document and discuss how far this process has come in Colombia.

If the contracted PSCs act independently, they can threaten the sovereignty of the US government because their actions can violate the country's laws and policy. The sovereignty of a country does not however have to be absolute (Østerud et al. 2001:266-267). It is also a possibility that the PSCs are utilised in support of state interests (Singer 2003:18). The PSCs may strengthen the state if they contribute to ensure stability and security (O'Brien 1998). The use of the PSCs can therefore be an

example of a transnationalisation process where the role of the state not necessarily diminishes but the nature of state intervention has changed (Panitch referred in Shields 2002).

The US's use of PSCs in Colombia can be seen as an expansion of both the state's monopoly on the legitimate means of violence and the sovereignty. Weber focused on the legitimate means of violence inside the state's own territory. Sovereignty is however not only concerned with the use of violence. A state can be said to be sovereign externally when it is accepted and respected as independent by other states. Internal sovereignty is the exclusive right a state institution or a person has through its legislative, judicial or executive authority (Østerud et al. 2001:266-267). All sovereign states have "juridical statehood" through common external rights and responsibilities. These states have a formal-legal right to be free from outside interference. This can be called "negative sovereignty" (Jackson 1990:21; 27). But not all states have the "political will, institutional authority, and organized power to protect human rights or provide socioeconomic welfare" for their citizens (Jackson 1990:21). Jackson refers to weak, incomplete states as "quasi-states" (ibid.). Herbst calls it "[t]he Facade of Sovereignty" when sovereign states are "unable to exercise physical control over their territories" (1997:123). "Positive sovereignty" is on the other hand a *de facto* capability for "governments to be their own masters" (Jackson 1990:29). This means that the state has the "sociological, economic, technological, psychological, and similar wherewithal to declare, implement, and enforce public policy both domestically and internationally" (Schwarzenberger referred in Jackson 1990:29).

In this thesis I do not aim to analyse the strength of state sovereignty even though I will touch on the topic in some of the discussions. But I have decided to make Weber's state definition and the term sovereignty a part of the theoretical framework because the US involvement in Colombia can be interpreted both as: 1. An expansion of the US's monopoly on the legitimate means of violence to also cover areas outside its borders. 2. A challenge to the negative sovereignty – through the US's interference in Colombia.

2.3 Central Terms

Five terms will be especially central for the coming discussions: military capability, accountability and transparency, plausible deniability and social norms.

Military Capability

Military capability is here understood as a question of how effective the military agent is at generating security. An army's ability to deploy coercion effectively to defend the state's interest is according to Huntington the standard by which to measure control (Avant 2005:40). The discipline, preparation and equipment of the military will decide its strength. Avant assumes that strong states can strengthen their capabilities when they hire PSCs. States can receive services that the national military has not been able to provide, or they can receive more services than already available in the national military. On the other hand, states risk losing control when they hire PSCs because the companies are likely to be more expensive and less responsive than the national army (ibid:40-41, 81).

Accountability and Transparency

In democracies voters can be seen as the ultimate principals who delegate power (Strøm 2000:267). Elected representatives are regarded as accountable to their voters if they are obliged to act on the voters' behalf, and the voters have the power to reward or punish the representatives for their performances. This means that the voters must be able to control that their representatives take care of their interests (ibid.). This also means that the voters must be able to hold the representatives responsible for the actions of the PSCs that are hired by the US government in Colombia. In this thesis accountability is understood as a question whether the engagement of PSCs complicates the voters' ability to get information about what the agents acting on their behalf do. The term "transparency" is closely linked to accountability. Transparency is here simply understood as the free flow of information (Sison 2000). It implies the level of openness connected to actions. If the PSCs operate with a low degree of transparency, they may be secretive with regard to

sensitive information. This can create suspicion and can keep illegal activities away from public view (Sison 2000).

Plausible Deniability

Plausible deniability can here be interpreted as an information hiding-method where the government hires private actors to conduct operations it considers are needed, but do not want to take the blame for (Mandel 2001:134). Singer espouses a similar view when he describes how a representative government through the use of PSCs may seek to avoid electoral punishment: "If an operation goes awry, the activities of a firm are easier for a government to deny and the blame simpler to shift" (2001:218). President Clinton's ambassador to Colombia, Myles Frechette, stated that PSCs in Latin America conduct actions "that would have been unpalatable for the armed forces" (Yeoman 2004). It has been claimed that this is one of the reasons why the US government uses PSCs instead of national soldiers in Colombia (Yeoman 2004). By studying the use of PSCs thoroughly, I aim to find out if their actions really are unpalatable and kept secret.

Social Norms

In this context, social norms vary by the degree to which the PSCs reflect the stated central societal values of the US government and the Congress. Abidance by the rule of law, respect for human rights and the laws of war and civilian control of the military are among the core values that PSCs might challenge. "Military professionalism" is a term often used to describe conduct by forces that follow these central societal values. If strong states hire PSCs with retired military personnel, there is a smaller risk that societal values will be challenged, Avant states. She claims that the control of PSCs will vary according to the length of the contracting relationship, the relations to military professionalism and the employees' connections to professional networks (2005:42, 81-82). The US gains military strength from the PSCs in Colombia if the companies contribute to the US campaign against narcotics and terrorism (Bureau of Western Hemisphere Affairs 2005). The PSCs must not only render the US a greater military capability. They must also support the official

US foreign policy. These aims are described as efforts of ensuring and promoting respect for democratic principles like human rights and the rule of law, and at the same time ensuring a commitment to "integrity, transparency, and accountability" (The US Department of State, November 2004).

The theoretical concepts and terms I have discussed here have been chosen to reach my main aim for this thesis: To make an academic contribution that can lead to a further development of theories about PSCs in political science. I will combine different theoretical concepts and discuss them in a critical perspective. But I will also confront them with new data gathered through interviews. By doing this I want to show weaknesses of existing theories. I will therefore claim that even though I have a strong empirical focus in the thesis, I have a theoretical aim with my discussions.

Chapter Three: Methodology

3.1 Introduction

The research question in this thesis suggests a descriptive research method. I will try to document and analyse the relationship between the US Congress, the US government, and PSCs in Colombia. I will also make an effort to use the exploratory research method by adding information to this young academic field (Marshall and Rossman 1999:32-34). I see the exploratory method as suitable because the study of PSCs is marked by uncertainty and a lack of specific theories. The research for the master thesis has primarily been conducted with qualitative methods through literature review and interviews. Qualitative methods are defined as research tools used for

> an inquiry process of understanding a social or human problem, based on building a complex, holistic picture, formed with words, reporting detailed views of informants and conducted in a natural setting (Creswell 1994:1-2).

I find this method best suited for my thesis since I have not found statistic material related to PSCs in Colombia that initiates an interesting quantitative research method. Quantitative studies are here understood as statistical analysis where the research is presented with numbers and the researcher interprets the pattern in the data material (Hellevik 1999:13).

The research design for this thesis falls into the broad category termed case study. Yin defines a case study as "an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident" (1994:13). The case study is seen as having a distinct advantage when a "question is being asked about a contemporary set of events, over which the investigator has little or no control" (Yin 1994:9). My thesis should benefit from using case study as a research method because the hiring of PSCs is a contemporary phenomenon and the actions related to it is out of my control. It might however be questioned to what degree I have been able to study the companies within their real-life context. I went to Colombia and interviewed people who have been working in and together with PSCs as employees and military personnel during Plan Colombia. I also met people who

due to their work as researchers, journalists, lawyers or bureaucrats have specific information about PSCs. I did however not go into conflict zones to observe the PSC employees in action. Therefore I could not see how the PSCs work with my own eyes.

3.2 Primary and Secondary Sources

Even though a number of articles and books have been written about PSCs the last 15 years, it can still be described as a young and constantly developing academic field. The processes connected to the PSCs are complicated. A literature review is not sufficient in a case study of Colombia because much of the existing literature on PSCs focuses on individual companies and the situation in Africa (Singer 2001:189).

I have aimed at achieving good construct validity by using multiple sources of evidence in my work (Yin 1994:33). Construct validity can be defined as a matter of "establishing correct operational measures for the concepts being studied" (ibid.). In addition to choosing interviewees that have obtained knowledge about PSCs working in Colombia, I have relied on academic contributions, official documents, work papers and contracts in my investigation. These sources have opened for a varied discussion. It has been a challenge to find research papers that focus on PSCs operating in Colombia. This work has been especially challenging because I hardly speak or read any Spanish. The language barrier can have stopped me from gaining valuable information. In order to reduce this problem, I contacted researchers at the University of the Andes in Bogotá at an early stage to help me get a picture of research that has been conducted on PSCs in Colombia. It turned out that very little research has been done on the PSCs in Colombia. The lack of research may indicate that this conflict has received far less attention than the wars in the Afghanistan and Iraq in the beginning of this century. The choice of Colombia as a case study is therefore both a problem and a challenge. It is a problem because it is harder to find research that can contribute to answering the research question. Parts of the analysis have therefore to a great extent been based on primary and secondary sources like political documents and interviews. But it is also a challenge to try to contribute to the gathering of new information and analyse the work of the PSCs in Colombia.

This might be of help to others who want to study this further. Students are often warned against being too ambitious when choosing the topic for their master thesis, but to me it has been a motivation to look into a new issue. It is likely that PSCs in Colombia will get more attention from researchers in the coming years. The think tank *Fundación Seguridad & Democracia* in Bogotá was for instance in the beginning of 2006 preparing a research project about democratisation that also will be directed at the PSCs in Colombia (Espejo 2006 [interview]).

I went to Colombia to conduct interviews as a supplement to the literature review. During the research period in the country I did however also obtain some relevant documents. The people at the law office *Adalberto Carvajal Salcedo & Abogados Derecho del Trabajo* allowed me to copy a great deal of documents from lawsuits between PSC employees and the Colombian state. Among these documents were also copies of original contracts between the PSC Dyncorp and both their employees and the Colombian state. This information has been especially useful because Dyncorp refused to be interviewed for this thesis. In Colombia I also got copies of the original letters of warning sent from PSC employees working for Northrop Grumman/California Microwave Systems (Cockes and Hooper 2002a and 2002b). I also obtained pictures from camps where PSC employees train for combat and I watched a video with pictures from military operations (videotape undated).

I have found valuable information in primary sources like reports from the US State Department to Congress and statements by Congress representatives and Senators. The political speeches are normative evaluations that must be interpreted in accordance with their context as subjective statements, but they give a good insight into different perspectives on the use of PSCs. I have also found information in reports from humanitarian organisations and newspaper articles. The people at the Colombia program at the Center for International Policy (CIP) state that their research on PSCs relies heavily on journalistic reports because very little basic information is released from the companies and the US government (CIP 05.19. 2003).

I paid for admission to an internet network for persons interested in the private security industry (Danger Zone Jobs.com URL). This gave me an opportunity to

follow job offers closely and read how people with experience from the field discuss their work. The stay in Colombia also gave me the opportunity to attend a seminar about security politics and Plan Colombia with over 100 representatives from different non-governmental organisations. This was interesting because I could hear stories from people who have direct experiences with Plan Colombia and it provided a clearer picture of which topics that are most disputed.

3.3 Interviews

I stayed in Colombia for five weeks in January and February 2006. The purpose of the trip was to conduct interviews that could give me a deeper understanding of the research question. I find interviews well suited for my research question because they can be designed for getting thorough and specific descriptions of the effects of the US's use of PSCs in Colombia. The interviews can contribute to a comparison between literature and the subjects' own perceptions of the theme. The use of multiple sources can give in-depth understanding of aspects only partly covered in the literature about the PSCs and mirror hitherto undiscovered sides of this phenomenon. This strategy of using different methods to collect varied information is called "methodological triangulation" (Yin 2003:97-101). I find interviews to be especially useful because I am dealing with sensitive and controversial issues like privatisation of the military and profit from war actions. I think the face-to-face meetings motivated my interviewees to answer fully and accurately. The interviews therefore improved the quality of my data (Judd et al. 1991:218). Since the research question opens for descriptive and exploratory research, I conducted topical interviewing. This form of interview is structured towards the aim of piecing together from different people a "coherent narrative that explains puzzling outcomes" (Rubin and Rubin 1995:196). The puzzle in my master thesis is to describe how the US Congress and government control the PSCs in Colombia. The topic for the research is clearly defined. I therefore did not meet my interviewees with only a theme like in cultural interviews, but with a set of specific questions that I used to guide the interviews (Rubin and Rubin 1995:197). This is called an interview guide. I formed this guide as a written checklist of the main topics I wanted to cover. The list with the main

questions was structured in an order that seemed suitable for promoting a fruitful discussion. I chose open-ended questions because they "allow the respondent to answer in a relatively unconstrained way" (Judd et al.1991:239). I made an effort to prepare questions that opened for relevant follow-up questions on the spot. If the interviewees drifted away from the main topics, I used guidance probes to steer them back on track (Rubin and Rubin 1995:208). I met four of the interviewees two times. These second meetings were a good opportunity to ask follow-up questions that gave me more specific information about issues that had been mentioned in the first interviews.

PSCs are often seen as a controversial issue. I adjusted to this by not asking questions that could be sensitive or provocative until late in the interview. It was important to avoid a deadlock early in the process (Dooley 1995:270; Rubin and Rubin 1995:197-208). Topical interviews can be categorised as a mix between a formal and an informal research approach. I think "semi structured" is a good description of this type of interviews. The interviews were informal enough to open for personally adjusted follow-up questions, but they also had traits of formality through the interview guide with the predetermined topics (Marshall and Rossman 1999:108; Thagaard 2003:94-95).

Most of the interviewees could speak English. For the interviews where the interviewees only spoke Spanish, I hired an interpreter. It is obvious that some information is lost through the process of translation. But I used the same interpreter all the time and we talked a lot about the topic of my thesis and how we could ensure that the interviews were translated as good as possible.

When I went to Colombia I wanted to get as close as I could to people with information about the PSCs that are involved in Plan Colombia. I also tried to meet people with different perspectives on the PSCs. Both aims were fulfilled to a greater extent than I had expected. It became easier to get help meeting relevant interviewees after I arrived in Colombia and could meet people in person and tell them about my project. Even though the interviewees' specific knowledge about PSCs varied and some had more information than others, I think the interviews have created a solid supplement to the literature review.

The US Embassy Refused to Give Information

Since it is focused on the US's use of PSCs in this thesis, it would have been interesting to hear what US officials think about this matter. I therefore contacted the US embassy well in advance of my trip to Colombia. In an email sent from the embassy in November 2005 I was given the direct telephone numbers to four persons at the embassy who could answer my questions. From that and previous and later emails, I got a clear impression that I would be able to speak to several officials working on relevant issues. A couple of days before my arrival in Colombia I was asked only to communicate through a press secretary. I telephoned the secretary the first day I was in Colombia. From that conversation I understood that the embassy regarded my requests as difficult. The US embassy had run a background check and found out that I had been working as a journalist. The press secretary wanted me to promise that I would never use any information given by embassy personnel later in my work as a journalist. I regarded that as an impossible promise. I told her that the information would be made public anyway since the thesis would be published. She then said that the embassy personnel probably would only give information off the record and the embassy could not be mentioned as a source. Since the field of private security is surrounded by a lot of secrecy it has been important to specify where the information in this thesis comes from. I have of course respected that some of the interviewees wished to remain anonymous. It would however have been problematic to get information from the embassy without being able to refer directly to the embassy as a source. The embassy could just have denied all criticism. Then it would not have been possible to write that the embassy personnel that are supposed to control the PSCs on behalf of the US were the people behind the quotes. In some settings it is easy to understand which political body that is giving the statements referred wholly or partly anonymously. But because of the complicated political setting in Colombia it would have been insufficient only to refer to statements being made by for example "an official" or "someone close to information about PSCs". The readers would not then have been able to understand if this was a Colombian or US source and at what political level the person was situated. During the first four

weeks in Colombia I spoke to the press secretary at the embassy five times. Every time I was given a new explanation for why it was difficult to interview their personnel. I was therefore not surprised when the final rejection came and it was made clear that I could not meet any of the embassy personnel.

I spoke to journalists in Colombia about my problems getting interview appointments at the US embassy. The correspondent for The Miami Herald, Steven Dudley, said the embassy personnel was difficult to work with because they always wanted to give information off the record, but he said that the journalists respected this to different degrees. He advised me to make an effort to meet embassy personnel because they are well informed about the PSCs working for Plan Colombia and it is important to hear their opinions on the matter (Dudley 01.30. 2006 [interview]). I tried following Dudley's advice, but I did not succeed. I could only find comfort in the words of professor Ticker who stated that she had never been given any relevant information from the US embassy for her security studies (2006 [interview]).

Even though the US embassy is reluctant to open the door for interviews it provides a lot of information on its web site (The US Embassy in Colombia URL). I have found many of the documents relevant for this thesis on the embassy's web site. It is difficult to say how different this thesis would have been if I had been able to interview personnel at the embassy. The thesis would surely have benefited from it, but I doubt that the personnel would have revealed a lot of information that cannot be found on the web site.

Before the trip to Colombia I contacted ten PSCs that have been hired as a part of Plan Colombia and asked for interviews. It seemed like Dyncorp was willing to give an interview on certain conditions, but the company and all the others PSCs eventually refused to share any information. The only explanation that was given was that the companies were under strict restrictions from the US State Department.

Informed Consent

For both ethical and practical reasons it was important that the interviewees understood the nature of my project. I therefore stated clearly that they were participants in a research project that would be published. I started each interview

with a presentation of myself and my project. These oral presentations helped me realise which topics I prioritised and they thereby helped me structure the thesis. Informed consent is a ground rule in social science. The core of the concept is that all participants shall be informed of what might occur when the research is published. They must be able to comprehend this information and make rational judgements about it (Denscombe 2002:183-184). The high level of danger in Colombia made it especially important that the interviewees understood that they might be confronted with their quotes. All the interviewees were asked if they wanted to be anonymous in this thesis. Five of the fifteen interviewees did not want to have their names revealed. I later decided not to write the name of the PSC coordinator who had been working for ISVI Ltda. The man is still active in the private security industry and gave me permission to use his name. But I got second thoughts because some of the other interviewees with similar background insisted strongly not to be identified.

3.4 Safety Issues

> Now I'm afraid they will think that I've betrayed their trust and come after me. This was, after all, an impossible story to tell without injecting my own opinion, my own analysis, and my own sad conclusions (Dudley 2003:xviii).

The quotation is taken from Steven Dudley's book "Walking Ghosts" (2003). Dudley stayed in Colombia for several years during the nineties as a student and a journalist. During his work with the book on how the members of the radical party Patriotic Union were systematically killed, Dudley was forced to leave Colombia. But he later came back and was working as a correspondent for The Miami Herald when I met him in 2006. Dudley's book is a frightening proof of how dangerous it can be to do research in Colombia and it emphasised the need to think about the safety of my interviewees and myself.

Lee discusses different strategies for a researcher operating in places with threats of violence. The possibility of counter-threat is one option. This strategy takes the form of a "promise to make an even fuller and more damaging disclosure if action is taken against the researcher" (1993:192). The counter-threat seems ideal in theory.

The researcher should act against attempts to force her or him to silence about important issues. But in practice it seems quite risky to threaten PSC employees or people who might be connected to guerrillas or paramilitaries in Colombia. Some of the parties involved in the conflict have a reputation for being extremely violent (Amnesty International 04.20. 2004), and it is not very likely that they would feel inferior to a foreign master student. Lee proposes two other ways to deal with threats in the field: mediation and exit (1993:192-193). If the researcher can find someone to calm down and mediate with the people who have been offended, she or he might be able to stay. After reading reports and books about Colombia, I decided that this also was a too dangerous strategy to follow. During my first stay in Colombia in 2004, I was told by a relief worker who had stayed in crisis areas for several years for the International Committee of the Red Cross, that they follow a simple rule: if one of their employees receives a serious threat, she or he has to leave the country. This seemed like a well suited strategy for me under the volatile security situation in Colombia. During my stay in Colombia in 2006 I was not threatened. I was only warned a couple of times and asked to be especially careful when I was in contact with people from the Colombian army. I followed the advice, and I did not have any security problems.

Chapter Four: The Role of PSCs in Combat

4.1 Introduction

The direct participation of PSCs in combat is probably the most controversial feature of the privatisation of the military. Controversy breeds attention and it is therefore no surprise that quite a lot of the media coverage of the PSCs has been focusing on companies that have been proved or at least have been accused of being on the front line in conflicts. These private "military provider companies" (Singer 2003:92-95) may be seen as the most direct challenge to the state's monopoly on the legitimate means of violence (Weber 1964:154). Literally with weapons in their hands they take part in conflicts. After the Cold War there have been several examples of supposedly direct combat involvement of PSCs in conflicts – both in Colombia and elsewhere. The PSCs have been claimed to be acting on behalf of states and insurgent groups, or they have been said to act on their own.

In order to put actual fighting conducted by PSCs in a contemporary context, I start this section with examples from outside of Colombia. These short glimpses can make it easier to grasp what sort of sharp operations PSCs allegedly have conducted in Colombia. The most cited example of a PSC in combat is probably the hiring of Executive Outcomes (EO) in Africa. The South African company EO was in 1993 hired by the Angolan government to defend oil production areas against insurgents from UNITA. EO spearheaded the attacks that forced UNITA to a preliminary cease-fire and peace negotiations with the president (Bøås and Dokken 2002:73; O'Brien 1998; Silverstein 2000:164). The government in Sierra Leone later hired EO. The company was supposed to conduct training, but ended up planning and conducting a big battle campaign because the government did not have a sufficient military force (Smith 2002-03). Military provider companies are also said to have been hired by both sides in the bloody war between Eritrea and Ethiopia from 1997 to 1999 (Singer 2003:158). The role of the US company Military Professional Resources International (MPRI) during the wars in former Yugoslavia is another example of supposed combat involvement that is still debated. Observers claimed that MPRI joined the Croatian forces in the field and thereby took part in combat as a military provider

company. The company has stated that it only provided military training to Croatian forces in accordance with the agreement that the US government and the Croatian government had made (Avant 2005:98-113). It is worth noting that EO is the only company mentioned having confirmed its front line involvement. This may have been a part of the company's rare, outspoken promotion campaign. This strategy might have backfired when a new anti-mercenary law was introduced in South Africa in 1999. EO was forced to close down (ibid:163).

Uncertainty over the character of the services provided by PSCs is also a striking feature in Colombia. There are several episodes where PSCs working for Plan Colombia have been accused of being directly engaged in fighting (CIP 12.18. 2001; Isacson 2002; Macdougall 2004; Singer 2003:208). In this chapter I will take a closer look at some of these episodes and discuss different perspectives on the combat role of PSCs. I will emphasise on whether PSC employees are taking part in combat or not. Such participation can be seen as a challenge to the state's monopoly on the legitimate means of violence in two ways. First, the US military's monopoly on the legitimate means of violence can be challenged through the delegation of tasks to private actors in PSCs. Second, the situation is extra delicate because the hiring of PSCs that is investigated in this thesis is led by the US in Colombia. The Colombian state's monopoly on the legitimate means of violence can therefore be challenged by a foreign state's involvement of private actors inside the borders of Colombia. The participation of US PSC employees in direct fighting can further be a violation of the US Congress' prohibition on combat for US citizens in Colombia. This prohibition has been a part of the restrictions for support to Plan Colombia ever since Congress first approved the program in year 2000 (Veillette 05.10. 2005). There are two exceptions: US PSC employees are allowed to take part in combat if they are acting in self-defense or if they take part in "search and rescue operations of US Armed Forces personnel, US civilian employees, or civilian contractors employed by the United States" (Storrs and Veillette 2003).

4.2 Uncertain Breakdown of the Violence Monopoly

In the literature modern PSCs are often defined as different from traditional, illegal mercenaries (Isenberg 1997; Macdougall 2004; Singer 2004:524; Østerud 2005:83-85). This is relevant and clears the way for fruitful discussions about the modern, corporate security industry, instead of focusing on rare private soldiers illegally selling their services more or less on their own.

It is often mentioned that the PSCs are challenging what Weber termed the state's monopoly on the legitimate means of violence (Avant 2005:1; Holmqvist 2005:1; Matlary and Østerud 2005:11-12; O'Brien 1998; Singer 2003:18). It is however relevant to discuss whether all military tasks that are handled by PSCs should be defined as use of physical force. It is easier to state that PSCs are violating the monopoly on the legitimate means of violence when they are firing shots and attacking an enemy in combat, than when they are frying burgers and washing the latrines as a supplementary service for national forces in a field. To use Singer's terms, it is intuitively easier to grasp that "military provider companies" that engage in actual fighting as specialists are challenging the monopoly, than "military consulting" and "support companies" that offer services like training, transportation, catering and intelligence (2003:91-100). While Weber's term is regularly used, scholars seldom dwell with this diversification between types of companies. The academic concern about PSCs is still at a starting point and much of the discussion has focused on regulations of the industry as a whole.

In the literature it has so far been focused more on the role of the state than the different roles of the PSCs. Avant points to how pessimistic commentators often claim that PSCs can challenge the respective governments' monopoly on the legitimate means of violence. This is most likely in countries with a weak government that is not capable of controlling big parts of society (Avant 2004; Avant 2005:81-82) – so-called quasi-states (Jackson 1990: 21). On the other hand optimistic commentators claim that PSCs are put under strict governmental control and can actually strengthen the state. This is most likely in strong states controlling the whole society (Avant 2004; Avant 2005:81-82). This discussion between pessimists and optimists can remove attention from the obvious point that PSCs in many cases can

both strengthen and weaken the states (Avant 2004). The focus on the state can also hinder a closer look at the different ways different PSCs can challenge a state's monopoly on the legitimate means of violence. Instead of focusing on the strength of the state, I therefore find it beneficial to discuss different roles of the PSCs. By discussing how PSCs in different ways can pose a threat to the US control on violence in Colombia it may be possible to create a debate that is more nuanced than a dispute between pessimists and optimists. In this chapter I focus on the disputed role of PSC employees in relation to direct combat. In chapter five I will take a closer look at the role of military support companies providing intelligence.

4.3 Confusion about the Status of PSCs in Colombia

It is impossible to make an accurate and complete description of what kind of operations PSCs hired by the US government to Plan Colombia are engaging in. Neither the US embassy in Colombia nor the bosses in the PSCs working for Plan Colombia have been willing to give interviews for this thesis. It is well known that it is hard to obtain information about the PSCs in Colombia, and this seems like an intended strategy by both the US government and the PSCs. The personnel at the US embassy state that they have very strict information procedures due to their safety. Dyncorp employees in Colombia are for example not allowed to speak with journalists (Singer 2003:208). The Colombian Defense Department could not give detailed descriptions of how PSCs hired by the US work either. The department only referred to the US embassy (Cañon 02.09. 2006 [interview]).

The public description offered by the US State Department indicates that close control is kept to ensure that the PSCs operate within the limits set by the US Congress (The US State Department 04.14. 2003; Veillette 05.10. 2005). But the conditions set by the US Congress for the work of PSCs in Colombia are only concerning the work of US citizens (Holmqvist 2005:29). Most of the PSC employees working for the US part of Plan Colombia are however non-US citizens and there is uncertainty about what sort of force these persons are allowed to use. It has not been possible to find the exact number of non-US citizens working for PSCs hired by the US in Colombia in 2006. In 2001 63 per cent of the PSC employees

working for Plan Colombia were non-US citizens (The US Department of State 07.26. 2001). According to different reports ranging from half (The US State Department 05.22. 2001) to less than a third (CIP 12.18. 2001) of the employees working for the PSC Dyncorp in Colombia are US citizens. Dyncorp is "by far the largest" PSC working for the US in Colombia (Miami Herald quoted in CIP 05.19. 2003).

The uncertainty of the type of work the PSCs conduct arises from the many allegations from journalists, researchers and lawyers that the PSCs are taking part in combat in Colombia (CIP 12.18. 2001; Espejo 2006 [interview]; Gómez 2000; Gómez 01.19 2006 [interview]; Isacson 2002; Macdougall 2004; Mayorga 2006 [interview]; Salcedo 02.07. 2006 [interview]; Singer 2003:208). Accordingly the discussions in this thesis are marked by this uncertainty. Instead of making certain conclusions, I discuss different opinions and experiences with the PSCs in relation to combat.

Categorisation of PSCs Active in Colombia

As the US military involvement in Colombia expanded during the nineties, the US government delegated more tasks from the US military to PSCs. The US State Department states that this delegation has been done "due to shortages of military personnel in specific technical areas" and because the US military needs "specialized expertise" for some operations (US State Department 05.22. 2001). As a part of the US involvement in Plan Colombia, US, British and Colombian companies have been conducting a varied range of services. Based on the report "Certain Counternarcotics Activities in Colombia" (The US Department of State 04.14. 2003) I will in the coming section systematise the PSCs that have been working for Plan Colombia into different categories. The report is the only available public list of PSCs that are working for Plan Colombia. It was released by the US State Department in 2003 on request from the US Congress. The legislators demanded more information about PSCs after a plane with four PSC employees crashed in the forest in Colombia (El Tiempo 06.19.-20. 2003). The companies operating in Plan Colombia will be categorised into the different main groups of PSCs which Singer has suggested

(2003:91-100). It is important to note that this list of PSCs will not be complete. First, it does not mention the companies that have been included in Plan Colombia after April 2003, like for instance the US company ITT that took over Northrop Grumman's tasks and employees in December 2003 (PSC coordinator 01.27. 2006 [interview]). Second, the list does not mention the PSCs' Colombian subcontractors like for instance the company ISVI LTDA that has provided bodyguards for both Northrop Grumman and ITT (PSC coordinator 01.27. 2006 [interview]). Third, it does not mention companies that had contracts for Plan Colombia that ended before 2003, like for instance MPRI (Singer 2003:132-133; St. Petersburg Times 05.13. 2001). These exceptions illustrate how complicated it is to get an overview of the PSCs in Colombia.

A categorisation of the PSCs officially listed in 2003 can however be clarifying for the discussions. It shows for instance that most of the PSCs working for Plan Colombia are acting as military support companies. These companies provide supplementary military services like non-lethal aid and assistance. There were a number of military support companies in Colombia in 2003: Lockheed-Martin, Northrop Grumman/California Microwave Systems, ARINC, TRW, Matcom, Cambridge Communications, Virginia Electronic Systems, Air Park Sales and Service, Integrated Aero Systems, The Rendon Group, ACS Defense, INS, Science Applications International Corp. (SAIC) and Mantech. The second group of PSCs can be defined as military consulting companies since they have provided training and advisory services in Colombia. Dyncorp fits into this group together with Lockheed-Martin, Virginia Electronic Systems, Integrated Aero Systems, Alion, LLC, Mantech and ACS Defense (US State Department 04.14. 2003). The most controversial group of PSCs, according to Singer's typology, is the military provider companies that are directly taking part in combat (Singer 2003:92-95). The description given from the US State Department indicates that none of the companies acting on behalf of the US in Colombia fit into this category (US State Department 04.14. 2003). In this chapter it will however be questioned if Dyncorp can be labelled as a military provider company due to its involvement at the front line through fumigation operations.

PSCs Acting on Their Own

The PSCs might take over parts of the national military's tasks as a business agreement with the government. They can then deprivilege the state's command of security affairs as a part of the general trend of new public management that has been seen in other areas like trade and finance (Singer 2003:18). It would be a stronger challenge if the PSCs pursue their own goals without regards for current laws and the authority of the state. One of the clearest challenges would be if private actors that are hired by a government engage in combat without authorisation. The possibility to use violence has been seen as one of the core rights of the state. If PSCs are fighting on their own, it will be in direct interference with the state's monopoly on the legitimate means of violence.

If PSC employees hired by the US government to work for Plan Colombia illegally take part in combat, they will pose a double threat: First, they will threaten the US government's control of violence since the US government is their contracted employer. Second, they will also violate the Colombian government's monopoly on violence since the combating is taking place within Colombia. It is important to note that Colombia has agreed to let military personnel and PSC employees operate under the command of the US government inside its borders. It might therefore be claimed that Colombia has already agreed to let go of part of its control of violence and thereby its sovereignty. This interpretation is underpinned by the fact that the country has signed an agreement where it promises that US citizens that commit crimes against humanity in Colombia will not be sent to the International Criminal Court unless the US authorises it (Calvo 12.30. 2004; Castillo 2006 [interview]). This agreement can be seen as a reduction of Colombia's sovereignty, since the representatives of the country's judicial system cannot by themselves decide to investigate and punish potential violations inside Colombia's territory. This agreement has however been made with the approval of the Colombian government. Any use of violence that is not authorised by the US government or the Colombian government might therefore still be seen as a threat to the Colombian state's monopoly on the legitimate means of violence.

According to agency theory there is always a risk that the agent will not act faithfully in the interest of the principal when authority is delegated (Strøm 2000:270). "Moral hazard" is a term that is used to describe situations of "hidden action" where an agent acts in ways that are not in the interest of the principal, and the principal is not capable of fully observing the actions of its agent (ibid.). If some of the PSCs are using force illegally in Colombia, this would prove that the US is not able to completely control its agents. The strategy of using PSCs could thereby be characterised as a risk or even a failure because the US would then be hiring actors who break its foreign policy. The US Congress has prohibited US PSC employees working for Plan Colombia from "participating in any combat operations" (Veillette 05.10. 2005). The US PSC employees operating on behalf of the US in Colombia have therefore not been granted the permission of Congress to use offensive force as a part of the fight against guerrillas and drug profiteers. The prohibition has however not stopped some of the PSCs with US and non-US citizens from being accused of engaging in combat.

4.4 Is Dyncorp Fighting?

Singer claims that the US Congress' prohibition on combat is not followed in Colombia. According to him several factors indicate that Dyncorp has been going well beyond the conditions set by the US Congress (Singer 2003:208). If this is true, it can with the help of agency theory be characterised as a classic example of moral hazard. The agent Dyncorp then may act in conflict with the interest of the principals – the US government and the Congress. According to agency theory the agent can perform illegal actions if the principal does not have the possibility to monitor all the tasks it has delegated (Rasch 2000:67-81). If Dyncorp is using illegal force, this might therefore come as a result of lack of monitoring power by the US government.

Singer gives several pieces of evidence of the claim that PSCs in Colombia are breaking the limits. He points to how Dyncorp, that is hired for fumigation missions, uses a type of military plane that has been designed for light attack in counterinsurgency wars. Dyncorp personnel have a reputation in Colombia for being "far too willing to get [...]wet[...]" and the Dyncorp employees "go out on frequent

combat missions and engage in fire fights" (Singer 2003:208). The attacks are aimed at the FARC guerrilla (ibid.). Singer's claim is supported by media reports suggesting that armed Dyncorp employees have been "actively involved in counterinsurgency from the San Jose Guaviare military base in southern Colombia" (Macdougall 2004).

It got attention in the press when the FARC guerrilla, that is known for having an extensive intelligence system, attacked an anti-narcotics base in Miraflores in Colombia where 20-30 Dyncorp employees were stationed. The Dyncorp employees had not been authorised by the US embassy to be in Miraflores and "at the time of the FARC attack, they had no reason to be there" (Gómez 2000). This can at least create suspicion that Dyncorp has a more active role than managing the fumigation planes, and that the company is acting outside the control of the US government. Dyncorp is formally under strict restrictions by the US Department of State, but it has during the work with this thesis not been possible to find out if the company was sanctioned for breaking the rules at Miraflores. Dyncorp has since 1997 been working with a "$600 million-dollar" contract with the US State Department in Latin America (Corpwatch quoted in CIP 12.18. 2001). In spring 2006 there was no sign that Dyncorp would pull out of Colombia. This indicates that the US government is pleased with the company's work. The US government might think that the allegations made against the company are false, or it might think that the benefits of the company outweigh the negative side effects by hiring the company that has a disputed reputation. It is interesting to note that the US support to Plan Colombia is denied to any unit of the Colombian military that has been proved to be conducting "gross human rights violations" (Veillette 05.10. 2005). It is not specifically stated anywhere that the PSCs have to have a clean human rights record.

4.5 First Claim: PSCs are Respecting the Prohibition on Combat

In the interviews that I conducted in Colombia the uncertainty about the role of PSCs in combat was reflected. The interviewees gave different answers to the question whether PSC employees, and especially Dyncorp employees, are engaging in combat. I choose to discuss the opinions of some of the interviewees because their perspectives show great variety in the views on how the PSCs are controlled.

The press reports about trigger-happiness among Dyncorp employees are not supported by a Colombian General that as a part of Plan Colombia was working together with Dyncorp on fumigation missions (Colombian General 2006 [interview]). According to the General the Dyncorp employees, who were both US and Latin American citizens, were engaging in "very dangerous" work because they were often attacked by guerrillas. Propane cylinder bombs were shot up from the ground and machine guns fired when planes and helicopters came in low to spray coca areas. Many soldiers were hurt on these missions, but the General never saw Dyncorp employees fire any shots. The Dyncorp employees were only acting as pilots and co-pilots. The General stated that the Dyncorp employees were under tight control. Two US military representatives stayed at the base together with the PSC employees and the Colombian army. The US representatives had to report regularly to the US embassy about problems and necessary operations (Colombian General 2006 [interview]). The General is arguing in line with the Republicans in the US Congress when he states that the PSCs are put under sufficient control. The Republicans, who in spring 2006 had the Presidency, do not see the use of PSCs in Colombia as a reckless failure. The general atmosphere of the Republican Party can be summarised in a speech that was held by Jim Kolbe in the US House of Representatives in 2003. Kolbe stated that there are no other provision of US foreign assistance that are subject to more conditions than the funds for Colombia, "with the possible exception of those funds provided for the West Bank and Gaza" (Kolbe 04.03. 2003).

In the interviews in Colombia it was not only military personnel who denied that PSC employees engage in combat. The security editor of the critical magazine Semana, that has a special focus on security issues, makes it clear that she opposes the supplement of non-Colombian security companies to Plan Colombia. But she does not think that PSCs are engaging in combats (Ruiz 2006 [interview]).

4.6 Second Claim: Only Non-US PSC Employees are Armed

Another interviewee, a Colombian PSC coordinator, specifically stated that US PSC employees were held outside combat (PSC coordinator 01.27. 2006 [interview]).

According to him only non-US PSC employees working for Plan Colombia carried weapons and were ready to protect the radar bases in combat. The PSC coordinator worked in Plan Colombia operations for the Colombian company ISVI Ltda for five years. The company was acting as a subcontractor for the PSC Northrop Grumman and ITT. ISVI employees were taking care of all the armed tasks for the two US companies according to the PSC coordinator. This work basically consisted of protecting the base and guarding the US PSC employees and military personnel when they were outside the radar base (PSC coordinator 01.27. 2006 [interview]). If the PSC coordinator's experience is representative for the division of work between the US and non-US PSC employees in Colombia, the US Congress' prohibition on combat for US citizens could be said to be respected. But according to the official project descriptions (The US State Department 04.14. 2003; Veillette 05.10. 2005) protection of military bases is only a small part of the work PSC employees conduct in Plan Colombia. The PSC employees, both US and non-US citizens, working with the fumigation missions are for instance always armed (Colombian pilot no. 1 2006 [interview]). The PSC coordinator's description shows, however, that in the part of Plan Colombia where he operated there were clear distribution of tasks in order to avoid that the US citizens were directly involved in combat. The threat assessment for the radar base in San Jose Del Guaviare confirms that the non-US PSC employees are responsible for protecting the US citizens with arms (2005).

4.7 Third Claim: Combat in Self-Defense and Search and Rescue Operations

A former insider in the Colombian government claimed however that US PSC employees have been involved in combat several times. Germán Andrés Espejo B. worked in the section for International Affairs in the Colombian Defense Department for four and a half years. He was director of International Affairs from July 2002 to July 2003 and has therefore been close to information about Plan Colombia. Espejo underlines that even though the US PSC employees are not allowed to engage in combat, they are allowed to defend themselves with weapons. The PSC employees are often shot at when they are flying on fumigation missions, and a lot of times they have shot back in order to protect themselves (Espejo 2006 [interview]). The

observations of Espejo cannot be counted as evidence that PSC employees are breaking the law in Colombia. But he clearly suggests that the employees of Dyncorp heading the missions are often involved in combat.

A couple of months before the US engagement in Plan Colombia started, Brian Sheridan, an official of the US Department of Defense, commented on the safety of the US personnel. He said it was "highly unlikely" that US citizens would be involved in combat. But he added: "like any U.S. military personnel anywhere in the world, if someone shoots at you, you can shoot back at them" (US State Department 09.07. 2000). Pilots and other PSC employees in the fumigation missions, who in this context must be regarded as military personnel, are therefore allowed to go into combat when they are shot at. In addition to Espejo, several of the other interviewees emphasised that the fumigation planes often are attacked (Colombian General 2006 [interview]; Colombian pilot no. 1 2006 [interview]; Colombian pilot no. 2. 2006 [interview]; Mayorga 2006 [interview]; Salcedo 2006 [interview]). A Colombian pilot said the pilots working for Dyncorp are always armed, and that they are both trained to fly away from and go into attack if they are shot at. A representative of the Colombian army, who is always supposed to join the fumigation mission in order to ensure that it formally is a military operation, shall give the attack order (Colombian pilot no. 1 2006 [interview]). Normally the Colombian army personnel who are joining in helicopters and fumigation planes are the ones who shall shoot back. But sometimes the Dyncorp employees also shoot (Mayorga 2006 [interview]). These pieces of information suggest that the US and non-US PSC employees working on the fumigation missions are both likely and prepared to go into combat. In 2001 the fumigation planes were hit 180 times (US State Department 10.09. 2002). This means that during that year PSC employees and military personnel on fumigation missions were allowed to go into combat 180 times, a considerable number of potential combat situations. The labour lawyers at the office *Adalberto Carvajal Salcedo & Abogados Derecho del Trabajo* have had around 50 PSC employees working as pilots for Dyncorp at their office for consultations. The PSC employees have been worried about their safety and social security (Mayorga 2006 [interview]). According to the lawyer Mayorga the pilots are often attacked on

the missions, but they very seldom talk about it because they are afraid to lose their jobs. This is also the reason why combat incidents so rarely are reported by the media (Mayorga 2006 [interview]).

Isacson stresses that the PSC employees' proximity to the conflict in Colombia has caused concerns in the US Congress. In February 2001 a Dyncorp search and rescue team was engaged in combat with the FARC guerrilla in Curillo municipality (Isacson 2002). A Colombian police helicopter had been shot down by the guerrilla, but was saved by a search and rescue team from Dyncorp. The Dyncorp employees were ex-US special forces and Colombians armed with heavy machine guns. They landed and rescued the Colombian military personnel while Dyncorp combat helicopters provided covering fire (Singer 2003:208; Tamayo 2001). Dyncorp's work in Colombia was put in a new light after this rescue operation. This episode was

> the first public revelation that not only did the firm have four of its own helicopter gunships, but that they had fired at rebel forces in retaliation, and may covertly play more offensive roles (Singer 2003:208).

This rescue operation was of particular importance for the concerns in Congress (Isacson 2002). "This is what we call outsourcing a war", a Congressional staff member is reported to have said in a comment to the operation (McDermott 2001; Singer 2003:208). The Democrat Jan Schakowsky in the House of Representatives argued that the US government had lost control over its agents in the PSCs: "[P]rivate military contractors are not held accountable for their actions, and may draw the US deeper into regional conflicts and civil wars", Schakowsky stated. She introduced "The Andean Region Contractor Accountability Act" (Schakowsky 04.25. 2001). The bill would prohibit the US government from hiring PSCs "to carry out military, law enforcement, armed rescue, or any other related operations in the Andean region, including any operations relating to narcotics control efforts" (Schakowsky 04.25. 2001). Schakowsky particularly pointed to reports that PSCs had been in direct gun fights with guerrillas in Colombia as one of the main reasons why such a legislation was needed: "The public has a right to know that the Defense Department is outsourcing dangerous missions to private armies that operate free from public scrutiny," Schakowsky stated (04.25. 2001). If she was right, the PSCs

would pose a direct challenge to the state's monopoly on the legitimate means of violence (Weber 1964:154) because they would be fighting outside the control of both the US and the Colombian government. Up to 2001 Dyncorp-operated search and rescue teams were said to have been engaged in around 15 rescue missions in Colombia. Half of these missions were described as "hot extractions", meaning that shots were fired in combat zones and that the employees' lives were at stake (Tamayo 2001). It has not been possible to find the number of how many times Dyncorp employees have been involved in combat from 2001 and onward. But up until spring 2006 the fumigation operations had been running continuously since Plan Colombia started.

The bill proposed by Schakowsky would have reduced PSCs' involvement in Plan Colombia drastically since most of their operations are directly connected to narcotics control efforts (The US Department of State 04.14. 2003). The bill did however not get enough support in Congress.

Even though the fumigation missions are not directed as attacks on the guerrillas it is interesting to question what the character of the operations is. The fumigation planes are spraying coca plants in areas that are nearly always controlled by guerrillas or paramilitaries. The guerrillas and the paramilitaries get great sums of money from the coca extraction and they see the fumigation planes as a threat (Colombian pilot no. 1 2006 [interview]). The fumigation planes that are always surrounded by combat helicopters can be said to operate on enemy territory. It is therefore highly likely that the PSC employees on the fumigation missions will encounter situations where they take part in combat, either because they are acting in self-defense when they are shot at while spraying, or when they are rescuing colleagues. This suggests that Dyncorp sometimes may act as a military provider company. The US ambassador to Colombia, Patterson, stated in 2002 that particularly the US PSC employees were engaged in "highly dangerous activities" in Colombia (US State Department 10.09. 2002).

4.8 Fourth Claim: PSCs Pose a Risk of Conflict Escalation

The frequent attacks and counter-attacks related to the fumigation missions show that it can be hard to draw the line between what should be characterised as defensive and offensive operations. Professor Arlene Tickner at the University of the Andes was among the interviewees that was worried about media reports indicating that PSCs are getting more involved in combat in Colombia (2006 [interview]). In military operations uncertainty can affect the range of the work of PSCs. When a PSC is engaged in a military operation, it signs a contract with the government that buys its expertise (Shearer 1998:69). There is a risk that PSCs that are hired will expand their actions outside the initial contracts when they start their missions in the field. The fumigation missions have for instance illustrated that fierce conditions in the field can make the spraying of coca plants develop into regular combat. "Mission creep" is a term commonly used to denote escalation of mission aims in conflicts. The expansion might emerge from vaguely formulated mandates and lack of regulations and transparency in the field. When the missions are performed in conflict-ridden areas where the state apparatus is too weak to provide for domestic security, like in parts of Colombia, it is highly likely that mission creep will occur (Fearon and Latin 2004:20-21). It seems like it can be an especially high risk that PSCs will create mission creep because their mandates are often insufficiently detailed, are not appropriately updated and can be open to interpretation (Holmqvist 2005:25). Holmqvist uses the term "private security mission creep". As an example she mentions that there have been reports of "trigger-happiness" among PSCs that have been hired for defensive guarding tasks (2005:25).

Tickner said that the PSCs' proximity to combat in Colombia is problematic for several reasons: It is harder to control the PSCs than the military. In situations close to combat the chain of command is deluded, and due to the mystery of human nature it is impossible to know how people will behave in these kinds of situations (Tickner 2006 [interview]). Tickner underlined that the US government cannot control how the guerrillas react to the presence of PSC employees and US military (Tickner 2006 [interview]). In armed conflicts the tactics of the parties can change rapidly and unforeseen crises can emerge fast. Carl von Clausewitz eloquently

explains the so-called "fog of war": "War is the realm of uncertainty; three quarters of the factors on which action in war is based are wrapped in a fog of greater or lesser uncertainty" (1984:101). According to Singer the use of PSCs threatens to radicalise hardliners both in the Colombian military and on the rebel side and can lead to an escalation of the conflict. He points to how the PSCs have been operating across national borders in the region (2003:209). After the Dyncorp team had been in combat with FARC in the Curillo municipality in 2001 (Isacson 2002) that was mentioned in section 4.7, Jan Egeland, who then was the United Nations Secretary-General's Special Adviser on Colombia, said that he feared the combat episode could lead to an escalation of violence. According to Egeland FARC would see the incident as a direct attack on the guerrilla by the US (NTB-Reuters 02.23. 2001). Both Singer and Egeland emphasise that the Colombian guerrillas do not differ between the PSCs and the US military – they are all seen as the North-American enemy (NTB-Reuters 02.23. 2001; Singer 2003:209). According to Singer the "perceived benefits of disinvolvement through policy privatization" may backfire with great strength through revenge attacks on US soldiers (Singer 2003:209). This is especially interesting in a control perspective because it suggests that the use of PSCs can make the relationship between the warring parties more volatile. The US military in Colombia is a strictly structured unit with a formal and hierarchical chain of command. The PSCs working for the US in Colombia are in contrast a complex mix of US, British and Colombian companies with a number of subcontractors employing both US and non-US citizens. But if the guerrillas do not differ between PSCs and the US military, the US soldiers can be held accountable for actions they have not conducted.

4.9 Fifth Claim: PSCs are Continuously Watched and Directed

In year 2000 the journalist Ignacio Gómez suggested that pilots from Dyncorp attacked FARC in Miraflores (Gómez 2000). In 2006 Gómez had changed his focus a little when he underlined that the war in Colombia is "a war of communications" where it does not matter who pulls the trigger. In modern warfare technological equipment is put on strategic places and gives the military leaders a far better

possibility to directly follow the troops and PSC employees than earlier. While US soldiers during the Vietnam War often had to give up-dates and call for support via big, portable telephones, modern soldiers can report directly via microphones and cameras. At the same time spy planes can send live pictures from above the combat scene. The military leaders who steer the operation from a commando central do not have to be totally dependent on reports from the actors in the field, they can see the development of the combats with their own eyes and make decisions on the basis of first-hand observations. According to Gómez it is the US military personnel that watch the cameras that are really in control (01.19. 2006 [interview]). In this scenario the PSC employees are a part of the whole combat setting. The PSC employees are active in combat because they fly planes and give intelligence to the US and Colombian military. The PSC employees and the US and Colombian soldiers are all important actors that through high technological equipment are following the orders of the military leaders in Washington, Gómez states (interview 01.19. 2006).

During my stay in Colombia one of the interviewees (Colombian pilot no. 1 2006 [interview]) showed me a videotape with pictures from military operations by the Colombian army and private helicopter pilots in conflict zones. I saw detailed pictures of how an army helicopter was attacked by the guerrilla. A surveillance plane took the pictures. Many guerrilla soldiers that moved around in the area where the helicopter was attacked were filmed. The video showed that the personnel operating the camera on the plane were able to steer the lens quite flexibly and get detailed pictures. The film did however also show that the Colombian soldiers that were attacked could not be rescued. 18 soldiers were killed while the camera was running (Colombian pilot no. 1 2006 [interview]; videotape undated).

The term "war of communications" is normally understood as the use of propaganda in warfare. In short, it describes the ways communication experts try to protect their side's value system and change the public opinion of the enemy in a conflict (Arquilla and Ronfeldt 1997). But the way Gómez uses the term "war of communications" (01.19. 2006 [interview]) it must be understood differently as he is referring to the development of information technology solutions in warfare. After the Gulf War the term "the revolution in military affairs" was introduced to describe

the progress made in computerised information, telecommunications technologies, high-technology weapons and the innovations made in management and organisational theory which the US military used to its great advantage (Davis 1997). Gómez' term "war of communications" is in this thesis therefore understood as synonymous to "the revolution in military affairs". According to Gómez' analysis in 2006 the principal – here the US government – has nearly perfect control over the movements of PSCs in Colombia through high technological equipment. The principal is able to steer its agents in the PSCs by watching all their movements displayed on monitors. This way the principal can give orders with complete knowledge about what is happening in the field (Gómez 01.19. 2006 [interview]). Potential misconduct in combat, in other words moral hazard, is not a risk according to this perspective. The US government, here represented by the US Defense Department and the State Department, is actually able to monitor all the actions of their agents. Agency theory was developed before "the revolution in military affairs". It is an interesting question if constant camera surveillance in warfare can remove the possibility of hidden actions that according to agency theory is one of the greatest dangers with delegation of work (Rasch 2000:67-81). But even though the US government should be able to watch the PSCs in risky operations and thereby avoid being restricted by fear of hidden actions, the use of cameras is an expensive side-cost connected to PSCs. Pictures of US soldiers with cameras on their helmets in Iraq show that the US government also wants to tightly follow the soldiers. But perhaps the need for control is even greater for PSCs that are not formally an integrated part of the national troops. It is however highly unlikely that all military actors can be monitored all the time. There are also parts of PSCs' work where cameras cannot reveal hidden actions. The risk of overcharging, which is mentioned as a special danger with PSCs (Singer 2003:154-157), is for example difficult to discover through camera surveillance.

The slight shift in Gómez' perspective from suggesting that the PSCs are engaging directly in combats, to stating that it is not important who pulls the trigger, illustrates that the PSCs' role in combat is surrounded by a lot of uncertainty. Confronted with the question why he had changed his perspective, Gómez stated that

he had toned down the focus on the high-technology equipment in year 2000 in order not to be accused of fantasising. People find it hard to believe how far the military development has come, and it is difficult to describe the technical solutions in detail if you are not inside the military (Gómez 02.07. 2006 [interview]). The use of PSCs and the development of high-technology equipment for warfare are usually explained as an integral part of the revolution in military affairs (Singer 2001:195). The focus is normally on how the private sector provides the necessary expertise for handling the modern equipment. But the previous discussion shows that the technological changes also can be viewed as having significant effects on the relationship of control between the US government and the PSCs.

4.10 Summary

The interviews that were conducted by me in 2006 were meant to fill in the blanks where written sources have not been sufficient. But when it comes to the question of combat it is very hard to make certain conclusions. The US embassy's and the companies' reluctance to share any information about their work through interviews makes it especially hard to determine to what degree the PSC employees are involved in combat. The secrecy opens for speculations, suspicion and perhaps exaggerations.

There are many reported incidents of combat involvement of the PSC Dyncorp in Colombia. But it is difficult to say how offensive the company employees have been before they fired their guns. The PSCs are allowed to defend themselves and to rescue colleagues. Since they are working in dangerous areas, there is a real risk that they will frequently engage in combat. It can be questioned if fumigation missions really are defensive actions when they are viewed as attacks by the guerrillas and paramilitaries. If the fumigation missions are as risky as it has been indicated in this chapter, it may be asked if the US Congress' prohibition on combat for PSCs is misleading. If the Congress really wants to keep PSCs out of combat, the work in Colombia must probably take more defensive forms.

Singer concludes that the involvement of US-based PSCs in Colombia and neighboring countries "has been entirely without Congressional notification, oversight, or approval" (2003:209). It is relevant to point out that Singer follows the

logic of plausible deniability when he states that the PSCs have created a possibility "for outside parties to reset a local environment, while officially staying uninvolved and not bearing risks" (2003:209). Plausible deniability can simply be explained as a situation where the government hires PSCs as means to avoid responsibility if operations fail and controversial actions are revealed (Mandel 2001:134). Singer suggests that the US government is not fooled as a principal by the combating agents in the private companies. Instead he argues that the US Congress and the public are fooled by a secret agreement between the PSCs and the government. This would mean that the US government has secretly approved that Dyncorp and other PSCs engage as secret agents in direct fights in Colombia. If things should go awry, the companies can shield the government from getting its hands dirty (Singer 2003:207).

Chapter Five: The Role of Intelligence Providing PSCs

5.1 Introduction

Chapter four began pointing out that discussions on how PSCs challenge the state's monopoly on the legitimate means of violence hardly differ between different categories of companies. When all companies are treated as an equal threat to the state, one misses how the different categories of companies to various degrees can pose a threat. I will in this chapter discuss how the ranking of the different PSCs' level of force also can be questioned. This uncertainty touches the research question of this thesis directly because it can be a big challenge for the US government that shall control these companies. It is claimed by some commentators that not only the military provider companies can take part in fighting. The supplementary companies might be closer to the fighting than their categorisation suggests. I will take a special look at PSCs that are providing intelligence services and discuss the consequences of their work. I will look into modern privatisation trends in relation to intelligence, and discuss the possibility of profiting from intelligence manipulation. The questionable quality of PSCs' work will be analysed further with emphasis on two short case studies: the work of the PSCs MPRI and Aviation Development Corporation. By looking at the concrete consequences of the PSCs' work, I want to discuss my research question and see to what degree the US has been able to control the PSCs it has hired in Colombia.

5.2 New Forms of Combat

Military support companies provide supplementary military services like non-lethal aid and assistance. These supplements are for instance technical support, transportation, logistics and intelligence. Military support companies are placed on the bottom of Singer's "Tip of the Spear" typology (Singer 2003:91-100). This indicates that these types of companies are farthest from the front line. According to this typology, these PSC employees working with intelligence, transportation and logistics are least likely to take part in fights and thereby least likely to break the US Congress' prohibition on combat. An obvious conclusion that can be drawn from this

is that it is least important for the US government to control these military support companies. This interpretation is however challenged. The Colombian journalist Gómez stresses that the question to which degree the PSCs engage in combat is a matter of how one defines combat (Gómez 01.19. 2006 [interview]). The time when great parts of war were fought out on battlefields like in the Second World War is over. High technological weapons and equipment are used hunting the guerrillas in Colombia. Cameras are placed on helicopters, boats, cars and even soldiers. The military commanders supplement pictures from the operation areas with intelligence reports and have better overview than what each actor has separately in the field. "Therefore it does not matter who pulls the trigger. It is the people who watch the cameras that are in control" (Gómez 01.19. 2006 [interview]). PSCs that provide radars, surveillance and imagery analysis are in this perspective important pieces in the puzzle of warfare. Gómez' view can challenge the ranking of the "Tip of the Spear" typology. If the PSCs are involved in a complicated warfare machinery where the different actors depend on each other, the level of direct force used by PSCs alone is not all that relevant. It is the sum of the operation that PSCs take part in that is important in an evaluation whether the PSCs are engaging in combat or not. Singer also mentions that even though the military support companies "do not participate in the execution or planning of combat action, they fill functional needs critical to overall operations" (2003:97).

5.3 The Selection of Information and Definition of Threats

The varied and mountainous terrain of Colombia makes it a difficult area in which to hunt down guerrillas and drug traffickers. Colombia is twice the size of France and "is broken up by three chains of Andes Mountains, rivers, swamps, jungles and other natural barriers" (Isacson 2002). Intelligence is therefore a necessity in order to locate the enemies of the US and the Colombian government.

In November 2003 the US Congress passed the "Intelligence Authorization Act". It authorised "the use of intelligence funds for a unified campaign against drug trafficking and terrorism in Colombia" (Veillette 05.10. 2005). The guerrillas and paramilitaries – FARC, ELN and the United Self-Defense Forces of Colombia (AUC)

– are labelled as terrorist groups by the US (Veillette 05.10. 2005). They are in contrast to terrorist groups in other parts of the world controlling territories and are operating as armies with tens of thousands of soldiers (Isacson 2004a). The expansion of the US involvement in Colombia to also cover counter-terrorism has been said to multiply the number of potential targets at which US-supported equipment and units can be directed (Isacson 2002). The US Congress' authorisation of using intelligence in counter-terrorism efforts did however not end the prohibition on combat for US PSC and military personnel (Veillette 05.10. 2005).

There is a general trend that more and more intelligence work is done by PSCs (Leander 2004). Intelligence is here defined as

> information relevant to a government's formulating and implementing policy to further its national security interests and to deal with threats to those interests from actual or potential adversaries (Shulsky quoted in Caparini 2002).

PSCs provide a range of intelligence services and are used for everything "from the gathering of intelligence from satellites and sophisticated sensors, to interpreting and analysing results and distributing information among relevant government bodies" (Holmqvist 2005:37). In Colombia the private company Air Scan has for instance provided aerial intelligence services while Dyncorp has gathered intelligence on FARC for the Colombian Defense Department (Holmqvist 2005:37-38). The companies use surveillance equipment to gather information on guerrillas and drug traffickers and they structure and select what information that should be passed on to the governments. The PSCs are a particularly important factor because in conflicts the provision of intelligence is essential to the definition of what is a threat for the employer (Leander 2004), in this case the US and Colombian government. Sometimes the PSCs are also engaged in analysing and suggesting what their employer should do as a consequence of the provided information (Leander 2004). This means that the PSCs providing intelligence are not only central in the process of defining who is a threat. They can also point out where the enemy is and might suggest how the enemy can be attacked. Even though military support companies working with intelligence are not pulling any triggers, they might sometimes be telling the governments what the triggers should be pulled at. This

relationship makes it especially important that the US ensures that the hired PSCs are of a standard sufficient for the sensitive work they are conducting. The US must also ensure that the intelligence provided is not false or based on a hidden agenda, and that the companies do not break US law in their work. The use of PSCs to gather intelligence can trigger principal-agent problems. Two dilemmas will be discussed in the next sections: The possibility to profit from intelligence manipulation and the questionable quality of the PSCs' work.

Profit from Intelligence Manipulation

The US government faces several economic risks when it hires PSCs. The PSCs might not only pose a risk of simply overcharging their services as mentioned in PSC literature (Singer 2003:154-157). Since the PSCs and the US government hiring them have asymmetric knowledge about the size and whereabouts of guerrillas and the drug traffickers, the companies may have incentives to misinform the government. The PSCs can be in a special situation where they first collect and analyse information about the enemy for their principal. Then, based on the information the companies have collected, the principal can decide to hire them to do more work (Leander 2004). This possibility for the PSCs to set the agenda can create a hidden agenda: By exaggerating the threat of the ones they have under surveillance, the companies can prolong or expand their contracts and make more money than they would have done if correct information was presented. Agency theory points to how an agent can gain benefits from misinforming its principal (Rasch 2000:67-81). Snyder and Jervis put emphasis on how it is often difficult to differ between security-driven and predatory motivations in conflicts. A potential security dilemma in conflicts is that some actors might exploit others in order to gain more strategic resources even though they are not under an immediate security threat (1999:16).

Singer uses a term known from economics to explain the risk of getting too dependent on a private security agent. The term "ex-post holdup" means in this case that "reliance on a private firm puts an integral part of one's strategic plans at the mercy of a private agent" (Singer 2003:158-59). If the intelligence that the PSCs provide is false because the companies have been tempted to seek individual gain, the

whole strategy of the government may be jeopardised. If the PSCs are operating under loose control, it is easier to cheat, and the risk of false intelligence is bigger. If the distance between the principal, here the US government, and the agent is big, the agent does not have to fear sanctions for "moral hazard" (Rasch 2000:67-81). The difficult topography of Colombia and the complexity of the conflict can make it difficult for the US government to verify intelligence information from PSCs.

Principal-agent problems have seemingly not prevented the US government from delegating intelligence tasks to private actors. US Army Secretary Thomas E. White, who resigned in 2003, warned in a memorandum the Department of Defense that the army lacked the basic information required to effectively manage its growing force of PSCs. He stated that it was needed to systematically gather information on the army's use of PSCs. Though, by June 2004 the army had not started this suggested information collection (Isenberg 2004). White served as Army Secretary from May 2001 to April 2003 – a formative period of Plan Colombia. It is therefore reasonable to assume that his concerns also covered PSCs active in Colombia at that time.

5.4 Questionable Quality of the PSCs' work

Another potential dilemma the US government faces when it outsources intelligence work is that the PSCs may deliver services that are below a satisfactory standard. When the US government involves PSCs in its military operations it is facing the challenge of controlling that the PSCs are skilled enough for their entrusted tasks. In the next sections I will discuss how the lack of competence among PSCs can have different consequences.

MPRI Accused of Lacking Competence

The US private security company MPRI was hired to supplement the US military in the beginning of Plan Colombia. Among MPRI's main tasks was to provide intelligence, study and evaluate the hunt for the guerrillas in Colombia. The report handed in by the company on this matter has been described as more or less worthless. According to several analysts it presented hardly any new ideas about how

to defeat the guerrillas. Instead of focusing specifically on scenarios in Colombia, the report was full of general military advice that could be applicable to most countries. Another sign of sloppy work was the misspellings in the report; Colombia was frequently spelled incorrectly as "Columbia" (Macdougall 2004; Singer 2003:132-133; St. Petersburg Times 05.13. 2001).

One of the assumed strengths of the new public management is that outsourcing of tasks to a free market will create better solutions (Christensen and Lægreid 2001:67-70; Peters 2001:23-49). But the report from MPRI can show that it is not necessarily a correlation between the use of private actors and good quality. In May 2001 MPRI's contract in Colombia was terminated prematurely because of great dismay with the company's work. The company did however receive its pay – $4.3 million dollars (St. Petersburg Times 05.13. 2001). In addition to the unsatisfactory report, Colombian military leaders had felt insulted because the MPRI employees were retired US generals who had not had combat experience for several years. The company was also accused of lacking advisors with experience from the type of low-intensity conflict that Colombia is engaged in. The military leaders had also been annoyed because the personnel at the MPRI office in Bogotá did not speak Spanish and had little or no experience from Latin America. Many Colombians do not speak English and it was therefore hard for the Colombian military and the US PSC employees to communicate (Singer 2003:133; St. Petersburg Times 05.13. 2001).

Lack of Market Mechanisms?

The number of complaints MPRI got in Colombia may indicate that the hiring of the company was an expensive and unwise investment by the US government. MPRI had earlier had a close collaboration with the US State Department when it was licensed to work for the Croatian government after the breakdown of Yugoslavia. MPRI was hired to help restructure the Croatian Defense Department and train the army (Avant 2005:101-113). The end of MPRI's engagement in Colombia suggests that the US government was disappointed with the services the company delivered. The termination of the contract can therefore be seen as an example of how the US government controls the PSCs it hires and reacts if it is not satisfied with the work of

its agents. It can however be relevant to ask if the US government controlled MPRI's competence thoroughly enough before it hired the company. In the coming sections I will discuss how the claimed failed hiring may be explained from different perspectives.

First, the US State Department might simply have tried to save time and money by hiring a company it had collaborated closely with before with satisfactory results. The decision makers in the department may have been tempted not to run a full background check on MPRI and alternative companies. MPRI's accused failure can indicate that the State Department did not consider that the conflict in Colombia deviates greatly from the conflict in earlier Yugoslavia. The PSCs are not regular armies, but rather a group of private security personnel specialising in certain security tasks. It has been suggested that MPRI's services are better suited for more traditional conflicts like the one in Croatia than complicated guerrilla warfare like in Colombia (Singer 2003:133). While MPRI was hired to conduct training in Croatia, it was hired to do intelligence work in Colombia – two quite different tasks. A company with competence in military training does not necessarily have a great intelligence capability. In order to benefit from the power of the free market, the government must act like a private consumer and investigate the strengths and weaknesses of potential agents. The competition situation is meant to set the companies up against each other. The need to be attractive for a service buyer is thought to encourage the companies to provide the best services possible (Christensen and Lægreid 2001:67-70; Peters 2001:23-49). But if the government does not examine the different offers on the market, the positive competition incentives are not likely to erupt.

Second, the structure of MPRI may have made it especially difficult to check the company's competence. As private actors the PSCs are not under the same regulations as the US military. Instead of being the direct tool for security and force for the government, the PSCs are competing on a market. The companies might therefore be reluctant to share information about their capabilities knowing it can harm their position. This can prevent a transparent market from being established (Holmqvist 2005:31). The PSCs are known for sharing little information about their

structure and services (Van Niekerk 2003:ix). None of the bosses of the PSCs that were contacted during the work with this thesis were willing to be interviewed.

Third, it is possible that the collaboration between representatives of MPRI and the US government in Croatia created personal bonds. Among the MPRI employees were retired generals, former CIA officers and diplomats (St. Petersburg Times 05.13. 2001). A collegial relationship may have benefited MPRI and stopped the US State Department from controlling whether the company really was suited for the work in Colombia. Work possibilities in PSCs have been portrayed as a gift from the US Defense Department to retired officers (Gómez 19.01. 2006 [interview]). The US government has been accused of favouritism in its hiring of PSCs (Baum 2003). The term favouritism is used to describe situations where a company is hired not because of its expertise and special offers, but because of personal relations to the government. Halliburton is an example of a company with PSC subsidiaries that has several times been accused of favouritism (Baum 2003; CBS News 08.04. 2002).

Fourth, the end of the hiring of MPRI in Colombia does not however have to indicate that the company failed to fulfil its contract. It is important to underline that the previous three possible reasons given here, suggesting that it was a failure to hire MPRI in Colombia, are only speculations. According to the spokesman of MPRI the company did not see the premature ending of its contract as a failure. The company stated that the US government ended the contract because the job was finished. The MPRI spokesman Ed Soyster refused, however, to answer the question whether the company had received any feedback about its work from the US government (St. Petersburg Times 05.13. 2001). It is not possible to fully evaluate to what degree the company fulfilled its contract with the US government without reading the actual contract and gather comments from all the parties involved in MPRI's work in Colombia. Such an investigation will most likely never be conducted due to the high level of secrecy. While MPRI was active in Colombia its 14-man team refused to give any information to the press about what the company was doing there (McDermott 02.24. 2001).

Lethal Mistake by Aviation Development Corporation

The lack of competence might not only lead to a waste of money, it can also have fatal consequences. It has been claimed that the high number of plane crashes in South America might have been caused by unqualified PSC employees working on the maintenance of airplanes (Macdougall 2004). The mistake of an intelligence providing PSC in 2001 made the International Relations Committee in the US House of Representatives suggest that the government should make an effort to phase out the use of US PSCs in counternarcotics work in Colombia (The Associated Press 05.07. 2001). The proposal was caused by an incident in the neighbouring country Peru. In 2001 the PSC Aviation Development Corporation mistakenly pointed out a plane as carrying drug traffickers. The Peruvian army shot the plane down. Among the killed were a US missionary and her baby (The Associated Press 05.07. 2001; Leander 2004). The Aviation Development Corporation was working for the Air Bridge Denial Program that was operating in Colombia and Peru at the time. The Air Bridge Denial Program was funded through the Andean Counterdrug Initiative – the main program for the US support for Plan Colombia (Veillette 05.10. 2005). The Air Bridge Denial Program had become known as the "you fly – you die" policy. The program was directed at shooting or forcing down aircrafts that were suspected of smuggling drugs (Isacson 2002). The killing of the missionary and her baby led to a stop of the Air Bridge Denial Program in Colombia and Peru until "enhanced safeguards were developed" (Veillette 05.10. 2005). Republican and Democratic politicians in the House of Representatives were united in their criticism of how little information that was released about the shootdown. "I think it really underscored the need for transparency and accountability," the Democratic representative William Delahunt said in a comment to the incident (The Associated Press 05.07. 2001). The Air Bridge Denial Program started again in Colombia in August 2003 (Veillette 05.10. 2005).

5.5 Intelligence Based on Personal Motives

According to Isacson there are few conditions implemented in Plan Colombia that ensure that military aid will not be used against innocent people. He is especially

concerned about the links between the Colombian military and paramilitaries: "intelligence provided to Colombia's military about guerrilla movements in a village could find its way to paramilitaries who then massacre the villagers" (Isacson 2002).

Human rights organisations have released a number of reports that document close collaborations between the Colombian army and illegal paramilitary groups (Amnesty International 04.20. 2004; Human Rights Watch 1996; Human Rights Watch 1998). The paramilitaries are known to seldom attack the guerrillas. Instead they target civilians in areas where the guerrillas have control. They justify this by claiming that this environment is "the sea where in which the guerrillas swim" (Isacson 2002).

The intelligence information that the PSCs pass on to the Colombian military might therefore make them indirectly involved in atrocities and attacks on innocent civilians. The complex social and political situation in Colombia has made several commentators fear that people might be motivated to produce false intelligence information. President Uribe has established a network of more than one million civilian informants. The civilians in the network are gathering intelligence information about illegal armed groups (Amnesty International 04.20. 2004). The network has according to one commentator created "waves of mass detentions of supposed [...] guerrilla agents [...] based on false accusations" (Espinoza referred in Calvo 2004). The informants are paid and the intelligence from the network has been criticised for being unreliable because the anonymous informants can be motivated by financial rewards or personal interests (Amnesty International 04.20. 2004). When the PSCs are taking over the responsibility to gather intelligence under these circumstances they run the risk of getting biased and positively wrong information.

What are the Alternatives to PSCs?

The forth-going discussion illustrates how an analysis of new ways to gather intelligence information easily becomes critical and negative. It has been claimed that the rush to make normative judgements about the use of PSCs and mark them as good or bad has hindered "analysis of the range of privatization's effects and clouded understanding of the dilemmas associated with private security" (Avant 2005:254).

This challenge to analyse the PSCs on a deeper level can partly be met by taking a look at what alternatives there are to using PSCs to collect intelligence information. In the aftermath of the terrorist attacks in the US 11 September 2001 intelligence agencies were heavily criticised. The failures of CIA to understand the growing danger of radical Islamic terrorism before 11 September is for instance well documented in the book "Ghost Wars" (Coll 2004). In The 9/11 Commission Report it is described in detail how the counter-terrorism work in FBI prior to the terrorist attacks was halted by a number of structural features: Most of FBI's work was spread out on 56 local offices which lacked a strong central coordinating unit. The offices had focused on local, traditional crimes instead of making lengthy intelligence work that would serve national interests. Counter-terrorism was not viewed as "career-enhancing" and was therefore not a priority among the agents (National Commission 2004). This shows that the public agencies that are supposed to provide intelligence also have great problems posing challenges to the US government. Even though there are a number of concerns related to private agents working with intelligence, the public alternatives are by no means without flaws.

5.8 Summary

This chapter has shed light on a topic that has received little attention: the intelligence work conducted by PSCs. Companies that provide intelligence have been categorised as military support companies. This group is said to be the least explored of three main groups of PSCs (Singer 2003:97). Since the high level of secrecy and the general lack of information make such an investigation difficult, I see it as especially important to discuss these questions that most likely will be discussed further in the future. Wrong intelligence might hurt innocent people. It is therefore of uttermost importance to ensure that the PSCs handling this type of information are of a sufficient standard. The conflict situation in Colombia is especially complex. It seems like the US government has had some severe problems ensuring that the companies it has hired deliver satisfactory services. The tight integration of intelligence providing PSCs in military operations can challenge Singer's "Tip of the Spear typology". If the PSCs are determining where military attacks should be directed, it might be

misleading to put them in the group of PSCs that are farthest away from the fields of combat.

A lawyer in *Colectivo de Abogados* said that since the US government gives so little information about PSCs in Colombia, the groups trying to monitor the PSCs tend to get most information when a mistake or a scandal is revealed (2006 [interview]). As the impact of PSCs is growing in Colombia, it is likely that more information – voluntarily or involuntarily – will be released about these companies. Then it will be easier to judge to what degree the US is able to control these PSCs.

Chapter Six: Personnel and Subsidiaries without Limits?

6.1 Introduction

The lack of control of PSCs through legal and regulatory structures is repeatedly mentioned as a problem in the literature (Holmqvist 2005:1; Shearer 1998:76; Singer 2004:521; Østerud 2005:79). Ever since the start of the US military support to Plan Colombia the US Congress has tried to keep control of the operations through a number of restrictions (Veillette 05.10. 2005). These restrictions signal that politicians want to control the US involvement in Colombia tightly. In this chapter I will take a look at two specific control challenges for the US. First, I will discuss the personnel cap that has been set by the US Congress. This is an example of a direct effort to control the PSCs in Colombia. But even though the rules are clear, it is uncertain how the system works in practice. Second, I will take a look at how companies and employees from different countries are bound together through a complicated business network of subcontractors. This is an example of a field where the rules are vague and where it seems like the efforts of the US Congress and the government to control the PSCs are far weaker. I choose also to take a look at the consequences of the use of PSCs in order to explore this young academic field more thoroughly and to shed light on normative problems with the collaboration between the US government and the PSCs. Such discussions are necessary to illustrate the complexity of my research question.

6.2 The Personnel Cap Debate

A central part of the Congress' efforts to keep control is the stated limit for how many US military and PSC employees that are allowed to be deployed in Colombia. No similar personnel caps exist in Afghanistan or Iraq where the US also has been heavily involved after 11 September 2001. This may indicate that the US activities in Colombia are viewed as especially problematic. A common explanation to why US politicians have put special restrictions on the work in Colombia is that they want to avoid mission creep; a fast and uncontrolled escalation of the US involvement (DeLauro 2003; Isacson 2004b; McGovern 2004). According to Tickner the US

operations in Colombia are controversial due to the "the Vietnam Syndrome" (2006 [interview]). The term "the Vietnam Syndrome" is used to describe how public opinion constrains US foreign policy. The experiences during the Vietnam War made the US public less willing to intervene in foreign conflicts (Yoon 1997). It is characteristic for the political climate that before the US support to Plan Colombia was passed in Congress there were heated debates whether the involvement could turn into "a Vietnam-like quagmire" (The New York Times 10.11. 2004).

In 2004 the US Congress expanded the upper limit for the number of US personnel in Colombia: from 400 to 600 private US PSC employees and from 400 to 800 military troops at any given time (Van Dongen 06.22. 2004; Veillette 05.10. 2005). The Bush administration argued that the cap of US PSC employees and soldiers allowed to be in Colombia was directly related to the government's ability to help the Colombian government in its fight against narco-trafficking and guerrillas (Veillette 05.10. 2005). The Congressional debate on the personnel caps reflects different views on the main topic of this thesis: to what degree the US is able to control the PSCs in Colombia. The debate in 2004 was triggered by a testimony by the army commander for The United States Southern Command (USSOUTHCOM), which is responsible for all US military activities in South America and Central America. The USSOUTHCOM commander, General James T. Hill, stressed that it was necessary to expand the cap when he stood before the House Armed Services Committee of the House of Representatives in March 2004. Hill said that the US could not continue their operations efficiently under the given limits (Hill 03.24. 2004). According to Hill the Colombian government had by spring 2004 made such great progress that there was "a real opportunity" that the US would be able to achieve its policy goals "with only a small increase in US personnel" in support of Plan Colombia. Hill suggested raising the personnel cap to 600 PSC employees and 800 military personnel (Hill 03.24. 2004). This is a clear sign that the US PSC employees in Colombia are viewed as a central part of the US military strategy. The big military offensive in long-time guerrilla strongholds south in Colombia was given as an explanation for why it was needed to expand the caps. This offensive, which

has been called "Plan Patriota", has been dependent on logistical assistance, intelligence and advice from US personnel (Hill 03.24. 2004; Isacson 2004b).

It is interesting to see that in the debates about the personnel cap in Congress in 2004 the Republican politicians made no principal distinction between the PSC employees and national military troops. Senator Ted Stevens for instance referred only to the total number of US PSC employees and soldiers and used the term the "cap on military personnel" (Stevens 06.23. 2004). Neither the Republicans in the House of Representatives nor in the Senate focused especially on the delegation of power from the national military to the PSCs. They focused instead on the effects of Plan Colombia in general. This may indicate that Republican politicians view the PSCs in Colombia as a natural extension of the military and as an integral part of the US military's capability. The PSCs can here simply be understood as a tool for the US to gain control by providing more security services.

This interpretation of the PSCs' role is in contrast to the speeches by some of the Democratic representatives. The Democrat Janice Schakowsky in the House of Representatives repeated her earlier critique that the PSCs operating in Plan Colombia lack accountability. She claimed that the expansion of the use of US PSC employees would provide plausible deniability for the government's dubious operations in Colombia (Schakowsky 03.22. 2004). She also claimed that the personnel cap on PSC employees was misleading because it did not include the number of non-US PSC employees (Schakowsky 03.22. 2004). The claims from Schakowsky bear resemblance to the memorandum that the organisation Washington Office on Latin America issued just before the debate on the personnel cap in the Congress was to start in 2004. The organisation spoke out against an expansion of the personnel caps and stressed that the PSCs in Colombia raise "troubling questions of oversight, accountability, and cost" (05.14. 2004).

During the personnel cap debate in the Congress emphasis was put on the fact that Colombia is "one of the most dangerous places in the world" (Grassley 06.23. 2004) and that Plan Colombia is "a volatile and dangerous mission" (Byrd 06.23. 2004). It is interesting to see that the level of danger in Colombia was only exemplified by the number of killings and kidnappings of PSC employees (Byrd

06.23. 2004). There was no mention of US soldiers' lives being lost in the country. Instead the danger of the US involvement was illustrated by references to the fact that three PSC employees, who had been on a Plan Colombia related mission, had been held captive by guerrillas in the Colombian jungle for more than a year, and that "[f]ive other US civilians" had been killed in air crashes (Byrd 06.23. 2004). This can suggest that PSC employees are sent on the most risky operations in Plan Colombia as was said in several interviews for this thesis (Espejo 2006 [interview], Gómez 01.19. 2006 [interview], Mayorga 2006 [interview], Salcedo 2006 [interview]). Between 1998 and 2004 at least 20 PSC employees were killed in Colombia (Yeoman 2004). I will return to the fate of the three kidnapped PSC employees in section 6.5.

The US embassy and the US military are met with a considerable amount of suspicion in Colombia. Former director of International Affairs in the Colombian Defense Department, Espejo, did not believe that the US personnel caps are strictly followed (2006 [interview]). Espejo said that if the US military feels there is an urgent need for more PSC employees, the commanders will engage as many PSC employees they think are necessary. If this leads to an exceeding of the personnel cap, the US military will manipulate the numbers or just claim that the PSC employees were brought in for search and rescue operations (Espejo 2006 [interview]). The accusation from Espejo is grave because it suggests that the US personnel caps made by the US Congress might be overruled by the US military.

The US undersecretary for Political Affairs Marc Grossman admitted in 2003 that the US had broken the personnel caps in Colombia. But Grossman stressed that extra personnel were brought in to take part in search and rescue operations for the three PSC employees that were kidnapped by FARC. Grossman underlined that the US military is allowed to exceed the cap in an emergency situation, and that the US Congress was informed about the limit being broken (Grossman 03.05. 2003).

6.3 A Web of Subsidiaries

When security tasks are outsourced from the military, the chain of command is changed. There is a risk that when the PSCs act as agents for the state it becomes

uncertain who has the responsibility for the delegated tasks. Situations may arise that have not been thought of, or maybe have been avoided, when the contracts between the government and the PSCs were made. In Colombia outsourcing has among other things led to that PSCs, and not the US military, recruit some of the security personnel and take the daily command of some operations. In the next sections it will be focused on whether this delegation of control changes the US government's possibility to attain insight into the operations it is responsible for. I will also discuss whether the use of PSCs gives the government less responsibility for the people who are engaged in Plan Colombia.

The growth of the private security industry has led to an extensive system of companies spread all over the world. The PSC employees operating in poorer countries are often engaged in companies that are subsidiaries of big multi corporate companies. Local and global markets are bound together through a big web of companies (Østerud 2005:84-85). In order to illustrate the intricate structure of PSCs working for Plan Colombia and to show how this can represent a challenge to the US government that should control them, I will use Dyncorp as an example. Dyncorp has 14,000 employees in 35 countries. In 2004 the company had revenues of nearly $2 billion dollars (Dyncorp International 2005a). Dyncorp is the biggest PSC working for Plan Colombia (Miami Herald referred in CIP 05.19. 2003). The company is divided into different specialised units and the company itself is also a subsidiary. In 2004 Computer Sciences Corp (CSC) then the owner of Dyncorp, sold the units of Dyncorp providing private security services. The buyer was the investment company Veritas Capital. CSC kept Dyncorp's information technology business (The Washington Post 12.14. 2004). In Colombia Dyncorp has a contract with the US Department of State to take care of the fumigation of coca plants and the training of the Colombian army (Dyncorp International 2005b). This business relationship is documented and confirmed by both the US government (The US State Department 04.14. 2003) and Dyncorp (2005b). Neither the US government nor Dyncorp provide more public written information about how Dyncorp's contracted missions are conducted in the field. It is however possible to document that the company works through subsidiaries.

There is no official US information stating that the US PSC Eagle Aviation Services and Technology (EAST) is working with fumigation of coca plants in Colombia. But according to a Dyncorp spokesperson EAST is engaged as a subcontractor for the company (Gómez et al. 2001). This means that part of the work the US government has delegated to Dyncorp is delegated further, but is not included in the information from the US government. EAST has refused to give any comment about the alleged assignment (Gómez et al. 2001). The uncertainty around EAST is increased by its history of being involved in dubious operations. EAST was supposedly created to provide clandestine air transport services to the US government so that sensitive military operations could be kept secret. During the 1980s the company was engaged in arms deliverance to the Nicaraguan Contras (Gómez et al. 2001). EAST refuses to discuss its role in Colombia because it sees it as classified. Officials from the US State Department have argued that EAST is taking precautions because it is concerned about the safety of its personnel (Torriero and Gutierrez 2000). All the secrecy makes it difficult to state exactly what sort of work EAST is conducting as a subcontractor. But several ads in a magazine for crop dusters show that EAST has been hiring pilots for fumigation missions in Colombia (Torriero and Gutierrez 2000). It can therefore be assumed that the company at least has been providing personnel for Dyncorp's fumigation operations. The chain of companies linked together is a typical trait of the globalized world trade. A consequence of this corporate structure might be that accountability is diffused. It can be more difficult to track which companies that are responsible for specific operations and this can make it hard to determine who are responsible for monitoring and sanctioning the PSCs (Singer 2003:220). If for example an employee of EAST acts inappropriate or breaks the law in Colombia it is not clear if the US government, EAST, Dyncorp or the Colombian government has the responsibility for sanctioning the employee.

The uncertainty surrounding Dyncorp's work in Colombia is made even stronger by the company's recruitment of non-US citizens. In Colombia Dyncorp has been hiring pilots through the recruitment company *Manpower De Colombia Ltda.* (Salcedo 2006 [interview]), a branch of the US Fortune 500-company Manpower (Manpower 2006). The labour lawyer Salcedo, who has been handling a number of

cases where PSC employees have been involved, puts emphasis on how Manpower is part of a money trail that is hard to trace and that weakens the rights of the workers (Salcedo 2006 [interview]). Some PSC employees signed contracts for fumigation missions with the recruitment company Manpower instead of Dyncorp (Mayorga 2006 [interview]) even though Dyncorp is responsible for the missions according to the US State Department (The US Department of State 04.14. 2003). In a court document for a case that a Peruvian pilot filed after he was sacked from Dyncorp, the pilot states that he only met Manpower the day the contract was signed (Adalberto Carvajal Salcedo & A. D. T., undated). The pilot claimed he was sacked from the fumigation missions without a proper explanation. He initially planned to sue Dyncorp for breaking labour laws, but it turned out to be too complicated to document that he had the right to continue his work for Dyncorp (Mayorga 2006 [interview]). The pilot therefore instead sued the state of Colombia for allowing irresponsible work to take place inside the country's borders (Mayorga 2006 [interview]).

The extent of subcontracting among PSCs is stressed as a complicating factor that can hinder transparency and lead to dispersal of authority. This makes it difficult for the employer, in this case the US government, to control who are working for them (Holmqvist 2005:31). In section 4.6 I discussed for instance how the Colombian company ISVI LTDA has provided bodyguards for the US PSCs Northrop Grumman and ITT (PSC coordinator 01.27. 2006 [interview]). ISVI LTDA has not been put on the US State Department's list of PSCs active in Plan Colombia (The US Department of State 04.14. 2003).

The US General Accounting Office concluded in 2003 that the US Department of Defense has no adequate plan for its use of PSCs as supplements to the military (US General Accounting Office 2003). As a result there is little common understanding of "the government's responsibility to contractors and contractor personnel in the event of hostilities" (US General Accounting Office 2003). This indicates that the US government is not prepared to fully protect the PSC employees it hires. The General Accounting Office criticises the Department of Defense because some of the contracts for the PSC employees are vague and do not state specifically

what sort of work they are deployed to conduct (2003). This uncertainty is reflected in Dyncorp's contracts in Colombia. In Dyncorp's contract for non-US PSC employees it is not stated specifically what sort of work the employees shall perform. The contract only states the name of the position of the PSC employee, like "helicopter pilot" (Dyncorp Technical Services 05.13. 2000), and it makes an unspecific description of the employer's obligations: The employee must

> [p]rovide his/her full normal working capacity to perform, on an exclusive basis, the usual duties inherent to his/her position and such other additional and complementary functions, in accordance with the orders and instructions given by THE EMPLOYER or its delegates (Dyncorp Technical Services 05.13. 2000).

It is interesting to see here that Dyncorp reserves its right to delegate its operations and demands that the employees follow the order of subsidiaries. This shows that delegation is an integral part of Dyncorp's business strategy. The Dyncorp contract focuses on economic issues and makes it clear that the employee must cover his or her own medical care and that he or she "agrees to indemnify the EMPLOYER against any and all tax liability". Both Dyncorp and the employee can with a 14 days notice terminate the contract (Dyncorp Technical Services 05.13. 2000). This way of hiring personnel as "freelance consultants" is also common in Iraq. The contracts are often short-term and the responsibility for the risks and taxpaying rests with the employee (Arun 2004; Holmqvist 2005:31).

6.4 Protecting the Lives of US Soldiers

A great number of the PSC employees hired by the US in Colombia are non-US citizens. Already in 2001 63 per cent of the PSC employees working for Plan Colombia were from outside the US (The US Department of State 07.26. 2001). From the start it has been the aim of Plan Colombia that the involvement of US citizens shall be phased out (Espejo 2006 [interview]; Tickner 2006 [interview]). The interviewees in Colombia gave two explanations to why a great part of the PSC employees are non-US citizens: Plausible deniability (Gómez 01.19. 2006 [interview]; Ruiz 2006 [interview]) and the US government's unwillingness to risk the lives of US citizens (Colombian General 2006 [interview]; Espejo 2006

[interview]; Mayorga 2006 [interview]; Salcedo 2006 [interview]).

The personnel cap on the number of PSC employees allowed to be engaged in Plan Colombia only counts for US citizens (Veillette 05.10. 2005). There are therefore no upper limits on how many PSC employees that can be hired from other countries than the US. According to Holmqvist the Congressional control can simply be evaded by hiring personnel from other Latin American countries (2005:29). The journalist Calvo is more straightforward and claims the numeric limitation for PSC employees in Plan Colombia "could easily be taken as a joke" since the US State Department and the PSCs can hire as many non-US citizens as they want (Calvo 2004).

A General from the Colombian army who had been working closely with Dyncorp in Plan Colombia said there were some US citizens among the company's employees at the base where he was stationed, but that many of the PSC employees came from El Salvador, Nicaragua, Guatemala and Mexico. He had a simple explanation to why non-US citizens were hired: "The Americans do not want their sons to die in a conflict abroad" (Colombian General 2006 [interview]). This argument touches on the logic of both the Vietnam and the Somalia Syndrome (Yoon 1997; Dawoud 2004) that point to the US government's reluctance to engage in foreign operations where lives can be at stake. But instead of cancelling foreign operations due to the political costs, it is claimed that the US conducts foreign policy by proxy in Colombia. Non-US PSC employees go out on risky missions instead of US soldiers (Mayorga 2006 [interview]). According to Avant a state can be able to conduct its foreign policy by proxy when it is confident that PSCs will act as agreed. This way the state can pursue its interests abroad without sending its own troops (Avant 2005:68). It is a condition of this system that the state is able to control the PSCs. Holmqvist claims that the hiring of third-country personnel compromises the accountability of the missions and complicates prosecution in cases of misconduct (2005:29).

If a US soldier dies in Colombia, there would be a lot of complaints in the press and among politicians in the US, the Colombian General stated (2006 [interview]). The Colombian General's analysis is supported by the former second-in-command of

the Colombian army, General Ramrez, who delivered this prediction: "Imagine if 20 American troops got killed here. Plan Colombia would be over" (Financial Times 08.12. 2003). PSCs can be claimed to provide an opportunity to hide loss of human lives. The death of soldiers is reported more openly and has bigger political effects than the death of PSC employees (Gómez 01.19. 2006 [interview]). The PSCs can therefore make sure that the political costs of the US involvement are lower because the PSCs make the operations less transparent (Ruiz 2006 [interview]).

Professor Tickner claims that in the US it is viewed as less controversial if a PSC employee is killed than if a soldier is killed (Tickner 2006 [interview]). The security expert David Capitanchick goes a step further and says that politically the PSC employees are "low-risk fighters". Capitanchick claims that since people know that the PSC employees usually are highly paid for taking risks, they find it easier to accept that death might be the price the PSC employees have to pay (Arun 2004).

The issue of non-US PSC employees was barely mentioned in the Congressional debate about the personnel caps in 2004 (Schakowsky 03.22. 2004). The director of the Colombia Project at the Center for International Policy, Isacson, claims that the use of non-US PSC employees reduces the political control of Plan Colombia. He says that the US Congress would be asking a lot more questions if US citizens were conducting the operations instead (Financial Times 08.12. 2003).

Plausible deniability and the unwillingness to risk US lives are however not the only explanations given for why PSCs from other Latin American countries are engaged in Plan Colombia. Several interviewees also pointed to the fact that PSC employees were brought in because Colombia lacks military expertise. The former director for International Affairs in the Colombian Defense Department, Espejo, said national security should ideally be a national matter. According to him the Colombian government is not comfortable with the fact that foreign PSC employees and the US military are doing the work the Colombians should do. But at the start of Plan Colombia it was clear that the Colombian army did not have the human skills and technical resources to solve the conflict. The army lacked for instance pilots and technicians for the fumigation missions (Espejo 2006 [interview]). Many of the non-US PSC employees, who take part in Plan Colombia, have special military skills.

Nicaraguans have for instance experience with Bell combat helicopters from the war in their homeland, while some Peruvian pilots are known for being good at flying Russian MIG fighter planes (Gómez 01.19. 2006 [interview]).

According to Holmqvist there is a risk that persons with tarnished human rights records follow a "gold-mine mentality" and will look for work in the private security industry (Holmqvist 2005:29). One of the interviewees in Colombia was afraid that the demobilisation of the paramilitary forces could lead to that former paramilitary soldiers start working for PSCs and will be hired for Plan Colombia (Colombian pilot no. 2. 2006 [interview]). The former director in the Colombian Defense Department said it was necessary to follow the PSCs closely because of Colombian history: "Many of the paramilitary groups started more or less as private security companies" (Espejo 01.27. 2006 [interview]).

When the US government hires a PSC to Plan Colombia, it is breaking traditional recruitment procedures by gathering parts of their personnel from outside the national army. Instead of engaging people that have gone through well known education systems and training, the government must rely on the companies to have routines that ensure a sufficient ethical standard of their personnel. Human rights, international law and the proper use of force are examples of social norms that are central to ensure a good ethical standard and to avoid abuse in conflict resolution. There is a chance that the employees of the PSCs in Colombia have not been taught these norms. The PSC employees may also have different views on social norms than what the US government has. It has been claimed that since the employees of PSCs are outside the regular command structure of military forces, lack ethnic and cultural bonds to the civilian population and often have been discharged from the army because of disciplinary problems, they can be more likely than regular soldiers to conduct human rights abuses and break the laws of war (Isenberg 1997). It is therefore a risk that the actions of PSC employees will deviate from the ethical standards that have been laid down for the operations they are taking part in.

It is however complicated to measure whether the employees of PSCs to a lesser degree follow social norms than national soldiers (Avant 2005:43-44). The downsizing of the military after the Cold War created a big recruitment base for PSCs

(Singer 2001:193). Many retired soldiers having been through military training in conflict resolution have been employed by PSCs. According to Avant "the more PSCs recruit from strong state militaries and are involved in professional networks that reinforce professional military values", the more likely they are to follow international social norms and values (2005:61). Shearer has a broader perspective and underlines the importance of integration between the public and the private sector. He argues that a government can benefit greatly from the use of PSCs without risking that social norms are violated. His argument is that PSCs will follow social norms if they are engaged properly in operations and given a legitimate role as military professionals (Avant 2005:53; Shearer 1998:73-77). In Colombia the PSC employees are working closely with the Colombian and US army (Colombian General 2006 [interview]). Such collaborations might prevent PSC employees from breaking human rights and following a private agenda that conflicts with the aims of Plan Colombia.

Different Nationality, Different Salary

The difficult work situation was offered as an explanation to why Colombians decide to defy the risks and go to work for PSCs. This is interesting in a control perspective because it indicates that some of the people the US hires may be driven by desperation. People acting under pressure can pose a threat to themselves, their employer and others they come across in their work. In January 2006 the unemployment rate in Colombia was 16 per cent (LatinFocus 2006). The work opportunities were for example very hard for pilots. Several airline companies had recently been shut down and many pilots were looking for work. While some had gone off to work in Qatar, India and countries in Africa, others had decided to sign up for Dyncorp's fumigation missions (Colombian pilot no. 2. 2006 [interview]). Some of the pilots who had started to work for Dyncorp had no experience from the army (Colombian pilot no. 1 2006 [interview]).

According to the labour lawyer Salcedo the US citizens and the Latin Americans working for Dyncorp have been treated very differently. The Latin Americans lack basic labour rights: contracts are suddenly stopped, salaries are

sometimes not paid and the employees are not provided proper social security benefits (Salcedo 2006 [interview]). The Latin Americans have to put up with this because unemployment is often their only alternative (Colombian pilot no. 2. 2006 [interview]). In 2001 it was said that a PSC employee working as a Dyncorp pilot received $119,305 a year (The Associated Press 05.07. 2001). It was not specified, but it seems likely that this was the salary of US citizens. The number was taken from a report by a US State Department internal audit (The Associated Press 05.07. 2001). The contract for a Peruvian Dyncorp pilot from year 2000 states that his annual salary all in all was $86,082,05 (Dyncorp Technical Services 05.13. 2000). The gap between a salary of $119,305 and $86,082,05 can be said to be considerable when only the nationality of the PSC employee is different. It is claimed that Dyncorp uses a three-level salary system where US citizens are given the highest salary and Colombians the lowest. In the middle are PSC employees from other Latin American countries (Colombian pilot no. 1 2006 [interview]).

Colombian pilots working for Dyncorp have been dissatisfied with the way they are treated. They feel they are being discriminated against and exploited. Around 50 Dyncorp employees have been at the law office *Adalberto Carvajal Salcedo & Abogados Derecho del Trabajo* to speak about their problems (Mayorga 2006 [interview]). The pilots say they have been pressured to accept cuts in salary and social security. Some have been paid under the table in order to avoid taxes. But very few of the PSC employees having been at the law office for consultation come back. This indicates that they have come to some sort of agreement with Dyncorp (Mayorga 2006 [interview]). The pilots earn four times more working for Dyncorp than for the commercial airline companies. A pilot said "Dyncorp pilots have traded their safety for money" (Colombian pilot no. 1 2006 [interview]). Two other pilots compared the private security industry with drug trafficking. The risks are high in both businesses, but so is also the possibility to earn a lot of money (Colombian pilot no. 2. 2006 [interview]; Retired pilot and union worker 2006 [interview]).

6.5 The Northrop Grumman Story

The killing and kidnapping of employees from the PSC Northrop Grumman in Colombia in 2003 opens for a discussion about who are in control and has the responsibility for PSCs when things go wrong.

In February 2003 a small Cessna-plane crashed in the jungle in a guerilla area in southern Colombia. The five people in the plane took part in a search for cocaine laboratories, drug planes and guerrillas. The crewmembers were reportedly working for California Microwave Systems, a subsidiary of the US PSC Northrop Grumman – the fifth biggest multinational defense corporation in the US (Jourdan 2004). The crash was caused by an engine failure. When the plane hit the ground, a long period of uncertainty and controversy about corporate and government responsibility started. The crewmembers survived the crash, but were quickly surrounded by guerrilla soldiers from FARC. Two of the crewmembers – a US pilot and a Colombian guide – were shot and killed on the spot. The three others were taken hostage. A couple of weeks later a search plane carrying colleagues of the hostages hit a tree and crashed. The three US PSC employees on board were killed (The New York Times 02.14. 2004; The New York Times 10.11. 2004; Hayes et al. undated; Jourdan 2005). In spring 2006 the three US PSC employees were still in captivity. It was not clear what sort of responsibility Northrop Grumman, California Microwave Systems or the US government were taking for the hostages.

The development of the contract relationship between the Northrop Grumman and the US government sheds light on how extensive subcontracting can create uncertainty (Holmqvist 2005:31). In 1998 Northrop Grumman was awarded a $60 million contract with the US Air Force Combat Command for its counternarcotics surveillance and control system services. The contract was for five years and covered work in Colombia, Peru, Venezuela, and Panama (CIP 12.19. 2001). The contract was soon delegated to one of Northrop Grumman's subsidiary companies. In the report on "Certain Counternarcotics Activities in Colombia" from 2003 it was stated that Northrop Grumman was responsible for the surveillance contract together with its subsidiary California Microwave Systems. The companies were according to the contract responsible for leased aircraft, pilots and operators (The US Department of

State 04.14. 2003). This delegation of military tasks from the US government to Northrop Grumman and then again to the California Microwave Systems is a common example of how the market mechanisms work in modern military affairs. The uncertainty escalated however ten days after the first plane crash. The contract for the surveillance operations was then transferred from California Microwave Systems to a third, newly formed company called CIAO (Avant 2005:233). This change of employer came as a surprise to the PSC employees who had been taken hostage. When a camera team was able to interview the three US employees in a FARC jungle prison camp in July 2003, the men said they had never heard of the company CIAO (Hayes et al. undated). Family members of the hostages, other former pilots and a "high-ranking official" have claimed that the mission was transferred to the new company CIAO in order to shield Northrop Grumman from liability (The New York Times 02.14. 2004). These allegations point directly at the mechanism known as plausible deniability. By operating through several subsidiaries Northrop Grumman may have tried to prevent that the multi corporation's reputation was hurt by negative focus on their risky operations. The power of the plausible deniability can however have been weakened by the fact that the contract was transferred to CIAO only after the plane crash. The transfer would have been more plausible if it had been made before the mission failed. The suspicion of responsibility avoidance was strengthened when efforts to contact CIAO by journalists proved unsuccessful. The telephones were either unanswered or just disconnected (The New York Times 02.14. 2004).

Different Status, Different Treatment?

Do PSC employees have the same protection from the government that hires them as national soldiers? This is a question that is frequently raised when tasks are delegated to PSCs (Yeoman 2004). This has also been central in the debate about the three US PSC employees that are being held hostage by FARC. The mother of one of the men has communicated her frustration through the press about the lack of action from the US government and Northrop Grumman. She claims that more would have been done for her son if he was a national soldier and not a PSC employee (Jourdan 2004). This

is relevant to this thesis because it suggests that the government can allow itself to save resources through privatisation. If the government is using less energy on controlling PSCs than the national military, it can also be accused of taking less responsibility for PSC employees than national soldiers. According to Avant, uncertainty about status can lead the contracting state to make decisions compromising the safety of the PSC employees (2005: 233). Singer points to the story of the three US hostages to illustrate that the legal and regulatory issues surrounding the PSCs are not clear. The actual legal status of the PSC employees remains uncertain. It is also unclear what rights and responsibilities the PSCs and the governments involved have (Singer 2004:524-525). It is however quite clear that the FARC guerrilla sees the PSC employees as representatives of the US government. The guerrilla treats the men as political hostages and calls them "prisoners of war" (The Associated Press 03.03. 2003).

The US ambassador to Colombia denies that the PSC employees do not have the same military and political backing as the US soldiers: "The United States has no higher priority than the safe return of the American hostages in a manner consistent with US law and policy", the ambassador told BBC (Jourdan 2004). Over 50 US citizens have since 1992 been kidnapped in Colombia and at least 10 have been killed (Bureau of Western Hemisphere Affairs 2005). The official reason why the government has not done more to rescue the kidnapped PSC employees is that the US refuses to negotiate with terrorist organisations. "No nation can negotiate with terrorists", has been one of the mantras of the US government in the post September 11 period (BBC News 04.04. 2002).

Three months before the first fatal plane crash in 2003 two PSC employees working for Northrop Grumman/California Microwave Systems in Colombia sent worried messages about their working conditions to their employer. The copy of the letter shows that the PSC employees gave detailed descriptions of "fundamental breakdowns in safety of flight and morale issues surrounding Northrop Grumman/California Microwave Systems" (Cockes and Hooper 2002a). One of the main concerns addressed was the use of one-engine airplanes in night flights that can be lethal in the event of engine failure or icing. "Please do not delay in addressing

these critical issues – it could save lives", the PSC employees wrote (Cockes and Hooper 2002a). They also stated that after they first approached their site manager and expressed their concerns, they had received warning letters they believe were written "in an attempt to place the pilots in a position of concern and fear for their jobs" (Cockes and Hooper 2002a). The same PSC employees sent another letter of concern on the 5th of December 2002. This letter was directly addressed to the CEO of Northrop Grumman. The men repeated their worries and underlined the fact that they had not received any answer to their first letter. They wrote that they again had been harassed by their site manager for daring to criticise the safety of the missions (Cockes and Hooper 2002b).

It can be discussed whether the use of PSCs changes the way security policy is being conducted to such a great degree that it cannot be defended from a normative point of view. The forth-going discussions have suggested that the US government has weaker control over PSCs than the national military. In relation to the research question for this thesis it is difficult to say if the US chose to have less control in order to save resources or if it is actually not able to control PSCs to the same degree as the national military. If it is a question of will, it might be relevant to ask if it is morally right that the US government loosens its monopoly on the legitimate means of violence if it leads to people's lives being put at risk. If it is a question of ability, it suggests that more exploratory research is needed to establish better regulatory systems.

The lack of sanctions is widely discussed in relation to the use of PSCs and their profit desire. If misbehaviour is not met with legal consequences, "forces in conflict zones often take advantage of opportunities for profit and plunder"(Avant 2005:251). Many countries lack regulations that can ensure that persons from their country are held accountable under law when they operate in PSCs in other countries (Avant 2005:235). Further, there also seems to be confusion about the possibility to sanction misbehaviour by the PSC employees from countries that actually have laws that are supposed to work abroad. Avant states that the US has showed its capability of punishing US PSC employees working in Afghanistan and Iraq (2005:234-235). Holmqvist, on the other hand, calls this sanction possibility "largely hypothetical"

(2005:27). If there is a small risk of being punished, the temptation to increase profits illegally can be big. This can undermine the military missions and pose a threat to the security of PSC employees. PSCs claim that the risk of economic mismanagement and dangerous efforts at increasing the bottom line is exaggerated. A common argument is that the market's invisible hand will regulate the business so that bad behaviour will be punished economically (Holmqvist 2005:42). The companies underline that they are reliant on consumer demand. In competitive markets the companies are worried about their reputation. If price is not the only competition mechanism, the PSCs have to make themselves attractive in other ways (Avant 2005:221). This explains why a company's reputation can be crucial. An employee in the PSC DSL has put it this way: "when we sneeze in Africa, we catch a cold in Asia" (Avant 2005:221). This shows that it might be argued that PSCs' corporate association can restrain them from putting their employees at risk. The negative focus they would attract if employees are hurt or killed might encourage the PSCs to take proper precautions.

6.6 Summary

In this chapter I have discussed how the nationality of the PSC employees engaged in Colombia matters, and I have elaborated on the great extent of subcontracting among the PSCs. While the US Congress directly controls the number of US PSC employees that are hired in Colombia, there are no limits to the number of non-US PSC employees. This indicates that the US Congress is more concerned with the political effects of risking the lives of US citizens than limiting the involvement of PSC employees in general. It is difficult to see that the cap on US citizens is not done solely for domestic reasons in the US. If Colombian PSC employees were made a priority in Plan Colombia, it could have been seen as an offensive strategy to make Colombia able to take care of its own national security. But instead it is claimed that the Colombians are given a lower salary than colleagues from other countries (Colombian pilot no. 1 2006 [interview]). This may show that besides the US Congress' restrictions on the involvement of US citizens, market mechanisms are allowed to act freely in the private security industry.

The great number of subcontractors is another indication that the PSCs are not put under strict restrictions. When the PSCs are allowed to delegate their contracted tasks to other companies, it is more difficult for the US Congress and government to control the work. Such delegation might be positive because it can save money when specialised units are taking care of certain tasks. It may however be more difficult to see who is responsible when things go wrong. The result can be that companies responsible of misconduct are not sanctioned.

Chapter Seven: Uncertain Business, Uncertain Conclusions

7.1 Introduction

In addition to a descriptive research design I have to a great extent chosen to rely on an exploratory research design for this thesis. This has been done by combining existing information with new pieces of information collected by myself. The aim has been to piece together different information that can answer my research question about *to what degree the US is able to control the PSCs it hires in Colombia*. At the same time I have wanted to contribute to a stronger theoretical foundation for the understanding of PSCs' role in conflicts. In this last chapter I will discuss some of my main findings and conclusions.

7.2 The Uncertainty and Importance of Information

The high level of secrecy is a striking feature of the PSCs in Colombia and has determined the methodology of my work. I have collected information without the help of two central parts: The bosses in the PSCs and the US embassy. They have been reluctant to share any information about what the companies do. The PSC bosses only state that they cannot give information because they are held under tight restrictions by the embassy. The embassy officials state that they have to be careful with offering information because they have to maintain the safety of their personnel.

As discussed in earlier chapters the high level of secrecy creates suspicion that the PSCs are conducting operations neither they nor the US government want to be revealed. This suspicion is strengthened by the fact that the private PR company Rendon Group was hired by the US at an early stage of Plan Colombia (US State Department 04.14. 2003). Rendon Group has been accused of conducting spin doctor-related work for the US during military operations in Panama, Kosovo, Afghanistan, Iraq and other places (Sourcewatch 03.26. 2006). The founder of the company, John Rendon, has described himself as "an information warrior, and a perception manager" (Sourcewatch 03.26. 2006). The company was operating on behalf of the US Defense Department to help the Colombian Defense Department and the national police with presenting Plan Colombia (US State Department 04.14.

2003). In a control perspective it is interesting to note that the US State Department stated clearly that none of the information produced in cooperation between Rendon and Colombian authorities could be targeted at a US audience (US State Department 04.14. 2003). This is another example of how the department has a detailed perspective on the necessity of control. Discussions in this thesis have shown that the control of the flow of information and the protection of US citizens clearly are central parts of the methods which the US uses in Colombia. It has been claimed that the use of PSCs allows the government to "short-circuit democracy" by turning over foreign policy tasks to unaccountable actors outside the regular supervision of the legislative and the judiciary (Singer 2003:214). This can create a "wall of silence" (Campbell quoted in Singer 2003:214). The government claims that it cannot inform the public about the work of the PSCs because it has "to protect proprietary information". The PSCs, on the other hand, claim they cannot reveal information without approval from the government (Singer 2003:214).

The Colombian authorities are formally held outside the control of PSCs (Cañon 2006 [interview]). The interview with the former director of International Affairs in the Colombian Defense Department uncovered however that the government representatives get information about the PSCs even though they are not commanding the companies (Espejo 2006 [interview]). Espejo gave statements that clearly indicated that he had obtained information about the PSCs contracted to Plan Colombia while he was working in the department. This suggests that in addition to a certain information gap between the US and the Colombian government, there might also be other reasons to why the Colombian government does not give information about the PSCs. It seems like it is an atmosphere of obedience, or maybe even fear, that constrains the current Colombian authorities from answering questions about the PSCs. The meetings with Colombian journalists confirmed a state of uncertainty and fear. The award-winning Gómez is one of the journalists that has written most thoroughly about PSCs. He is known for being especially determined to reveal the truth no matter what happens to him (Gómez: 01.19. and 02.07. 2006 [interview]; Ruiz 2006 [interview]). But Gómez is according to the security editor Ruiz the exception to the rule. Ruiz said that journalists in Colombia are afraid and only write

half of what they know. The journalists have realised that the less they disclose, the bigger are the chances that they will live. Journalism is therefore getting more trivial because the journalists are afraid that they or their families will be punished if they write critical articles. The journalists are getting disillusioned and feel it is not worth publishing serious articles because nothing will happen if they reveal that someone has violated laws (Ruiz 2006 [interview]). In this climate it is not easy for the media to be a watchdog and investigate sensitive issues like PSCs. The great difficulties in getting information were a big challenge when I worked with this thesis. I had a simple choice: drop the investigation and choose another topic, or piece together all the information I could find and accept that some questions would be left unanswered.

7.3 Power Moved from the Congress to the Government

The discussions in the previous chapters have revealed a somewhat surprising pattern. I was originally interested in the expansion in the use of PSCs partly because I saw them as a challenge to political control in conflicts. According to agency theory the employer of the PSCs risks loosing control because the private agents can have a hidden agenda. In some media reports and partly in the academic literature the PSCs are portrayed more or less as mercenaries acting outside political control and regardless of international law. But the study of how PSCs are used in Plan Colombia indicates a more nuanced picture: It seems quite obvious that it is difficult for the US Congress to follow and control the actions of the PSCs. But it is not so obvious that the PSCs are acting outside the control of the US government. Rather, it seems likely that the government is able to control the PSCs quite extensively through the US State Department, the US Defense Department and the US embassy.

The Congressional debates about the PSCs are marked strongly by a pro-contra setting where Republicans in general see the PSCs as positive means to enhance the military capability, while the Democrats are sceptic and call for more transparency and accountability. The Congressional restrictions on the work of PSCs in Colombia are detailed and easy to comprehend on paper (Veillette 05.10. 2005). It can however be questioned whether they are suitable for the state of constant conflict

in Colombia. The prohibition on combat is in theory an important control element because it is aimed at keeping the level of violence low and thereby preventing an escalation of the conflict. It is continually referred to how the US involvement in Colombia can create a "Vietnam Syndrome" where both the human and political costs can become high if the actors are not closely watched. But it is hard to keep the use of violence at a low level in a country ridden by violence. The prohibition on violence seems quite irrelevant in some of the main settings where PSCs are operating. The fumigation missions and the gathering of intelligence from planes, often conducted by PSCs, are clearly looked upon as threatening by the guerrillas. This makes it very likely that PSC employees will be attacked. In these situations the PSCs are allowed to use violence in self-defense. In reality it is therefore possible that the Congressional restrictions only work as a way to formally state that the PSCs are not allowed to plan and direct attacks on the guerrillas if they have not been provoked. During my investigation I have not found any proof of PSC employees acting as offensive soldiers by attacking guerrillas or civilians outside combat situations. It is however quite obvious that the PSC employees are conducting operations that are of such an offensive character that they often create combat situations.

The extensive use of subcontractors make such combats extra worrying. The high level of secrecy and the complicated company structures can sometimes make it unclear which companies that are using violence on behalf of the US. Further, it is not clear what sort of background the many non-US PSC employees have. They might lack military experience that makes them a threat to themselves and others. One of the interviewees in Bogotá mentioned for instance that some of the fumigation pilots had never been in the army (Colombian pilot no. 1 [interview]). It is therefore a risk that the PSC employees will not be able to defend themselves in threatening situations. The PSC employees might also have a dubious background from for example paramilitary forces making them a threat to others. The PSC employees might be dangerous and violate human rights because they are not following the social norms of military professionalism.

Avant stresses that the use of PSCs is seen as a tempting political solution because the need to have wide public support for foreign operations is smaller than

when national soldiers are used. She claims that both the politicians in the Congress and the general public are less concerned about sending PSCs to foreign operations than national soldiers (Avant 2005:133). The military capability of the US government can therefore be strengthened through the use of PSCs. The government can get more heavily involved in other countries than it could have been able to if it was only using the national military.

Both Singer and Avant claim the expanding use of PSCs has weakened the Congress' and strengthened the government's control over the use of military force (Avant 2005:128-133; Singer 2004: 538-539). According to US law any US PSC can work abroad without notifying Congress if the contract amount is under $50 million dollars. While many of the PSC contracts naturally fall under this limit, the larger ones are broken up so the Congress is not informed about them either (Singer 2004: 539). It is the government that hires PSCs. Avant writes that there are a number of cases where the government uses PSCs to evade the Congress' restrictions. She illustrates by pointing to how for instance PSCs hire local personnel when the Congress has put an upper limit on the number of US PSC employees (Avant 2005:128).

With Colombia as background it is not possible to state that the use of PSCs leads to moral hazard where the private agents act outside the control of their principal. While it seems evident that the PSCs weaken the Congress' control over military force, the government seems quite able to follow the PSCs. The control over military force is therefore moved between institutions rather than weakening all the institutions (Avant 2005:128-129).

7.4 Risky Business

While the US government, probably to a great extent, is capable of making the PSCs do what it wants them to, it can be questioned to what degree the government is protecting the PSC employees. A considerable number of PSC employees working for Dyncorp have been so frustrated with their working conditions that they have sought judicial help (Mayorga 2006 [interview]). The PSC employees' complaints about dangerous missions, unjust salary system and lack of social security pose a

question: Is it morally right that Colombians, other Latin Americans and US citizens are treated differently by the PSCs working for Plan Colombia? Questions about ethics are difficult in international politics because national security and the use of violence are often challenging liberal and human rights. But when the PSCs are presenting themselves as ordinary transnational companies specialised in security services, they are not operating in a state of war with emergency legislation. They are rather supposed to act as modern business entities (Østerud 2005:87) following normal business ethics. The alleged unequal treatment of PSC employees of different nationalities has not been a topic in the debates about Plan Colombia in the US Congress. The critics in Congress have instead focused on the lack of accountability and the risk of escalation of the involvement in Plan Colombia.

The short case study of Northrop Grumman in section 6.5 shows that also US PSC employees are exposed to high levels of risks. It is interesting to see that it is often referred to the kidnapping of the three US PSC employees in Colombia in the media and the academic literature when PSCs are discussed. This strengthens the claim that information is often uncovered about the PSCs when things go wrong (Lawyer in *Colectivo de Abogados* 2006 [interview]). It is therefore possible that a great part of the PSCs' successful operations are not revealed to the public. It is worth noting that a study like this thesis might be biased because it may be easier to find information about scandals and failures than the normal day-to-day activities.

7.5 Efforts at Contributing to Theory Development

The aim of exploratory research is not only to discover the undiscovered, but also to contribute to further development of theories. The study of PSCs is an example of a field where the theories are few and incomplete. Before I went to Colombia I was not sure how much information I would be able to collect, but I wanted to get as many answers as possible to my research question. I aimed especially at investigating what sort of combat the PSCs have been taking part in. Chapter four and five show how difficult it is to obtain certain answers to what the companies really are doing in relation to combat.

Throughout a number of interviews and collection of documents I have conducted an empirical study resulting in new data that might benefit others wanting to study PSCs. But it is my claim that I have also been able to make some discussions about the private security industry that can contribute to a further development of theories. I see the challenge of the "Tip of the Spear" typology (Singer 2003:91-100) as my main finding. Singer at the Brookings Institution is definitely one of the scholars that have given the greatest contributions to the study of PSCs. But I have demonstrated that the "Tip of the Spear" typology that he uses might be debated. The classification of different PSCs where the companies are divided into three types according to their range of services and level of force is easy to comprehend. But I have shown that the classification might be misguiding. Intelligence work is according to the typology taken care of by military support companies that are farthest from the front line. But these companies might contribute just as much (Holmqvist 2005:5), or maybe even more, to combat as the military provider companies present at the front line. It is a weakness that I have not looked especially at the role of the companies providing training. These military consulting companies are also operating under great uncertainty.

For future studies it could be interesting to look into to what degree the concept of sovereignty is changed through the use of PSCs. One obvious dilemma is that the US might be said to have expanded its monopoly on the legitimate means of violence to also cover areas outside its borders through the use of PSCs in Colombia. This can be seen as a direct interference in the Colombian state's internal affairs even though the Colombian government has welcomed the US involvement. When the Colombian government is held outside the control of the PSCs working inside its borders, the US might be said to use private actors as a means to operate as a state within a state. This situation poses the question whether the US has the legal right and the normative legitimacy to use PSCs in other states.

In section 1.1 I mentioned how the high level of rural violence made US military experts use Colombia for trying out new counterinsurgency techniques after the Second World War. Colombia is still caught in a conflict situation and the use of PSCs in the country might be seen as a modern effort to test new war methods.

Amnesty International claims that parts of Colombia are used as a "Laboratory of War", a testing ground for security policies (Amnesty International 04.20. 2004). The organisation points to how this tactic follows the norm of modern conflicts where civilians bear the brunt for the actions of the warring parties (Amnesty International 04.20. 2004). The Human Security report from 2005 confirms that the number of battle-deaths is an inadequate measure of the human costs of war. The battle-deaths do not reflect the many ways civilians are killed when the conflict causes "the collapse of a society's economy, infrastructure of health and human services, and public safety systems" (Lacina and Gleditsch quoted in Mack 2005). Further studies should focus on whether the PSC contribute to this negative development.

7.6 Summary

In this thesis I have discussed to what degree the United States is able to control the PSCs it hires in Colombia. The literature review and the interviews in Colombia have not uncovered that the PSCs are trigger-happy villains acting outside the control of the US government. The findings suggest that the US government is quite capable of controlling the PSCs. The high level of secrecy might however weaken the accountability and stop people outside the government from comprehending the effects of the privatisation of military services. The way the PSCs operate in Plan Colombia does not give the US Congress and the US people – the ultimate principals (Strøm 2000:267) – the possibility to fully understand what the consequences of their delegation of power really are.

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