

fighting. With Boutros Boutros-Ghali, amongst others, arguing how difficult it is to employ force and still maintain or revert to a consensual environment, it is unclear if the corporate equivalent will fare better.<sup>24</sup>

Certainly, humanitarian actors have not been unappreciative of the relative stability these firms have provided when no one else would.<sup>25</sup> Moreover, for Michael Grunberg of Sandline International: "Sandline has found that NGO personnel on the ground are very supportive of closer relationships (because it provides them with access to protection when needed and information at other times)."<sup>26</sup> Yet despite the practicality of this stability and growing relationship, PSCs that offer these services remain sovereignty bound in the weak state environment where conflict is ongoing and governance is questioned. Thus, pragmatism comes at the cost of, or at least a shift in, the humanitarian ethic that works to sustain neutrality, impartiality, and humanity.

### *Legitimacy*

Likewise, the current issue of contested legitimacy complicates constructive relations between private security and humanitarians. While states have varying degrees of regulation governing the use of private security on their own territory or on its export abroad, there is no relevant international regulation related to private security. In fact, the terms and definitions pertaining to the non-state use of force applied in such recent endeavours as the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries and activities of the United Nations Rapporteur on Mercenarism are focused squarely in the context of 1960s/1970s' concerns regarding self-determination and decolonization. In other words, the language and subsequent prohibitions are a response to the earlier blatantly destructive activities of vagabond mercenaries in places like Congo, Biafra, and Rhodesia. Even Yves Sandoz, the ICRC Director of International Law and Communication, indicates the inappropriateness of this stance: "...I have the impression that the basic approach is not relevant today and that the problem of private security should not be essentially based on the mercenary issue as it was dealt with in the seventies".<sup>27</sup> Nevertheless, many humanitarians find it difficult to black out the prevailing fact that for at least 150 years nation-states have owned and controlled armed force and military expertise. Similarly difficult to ignore are the not so distant memories of destabilizing activities by mercenaries.

The symbolic connection between the state and the use of force and the effect of legal norms designed for a particular type of activity have heightened the fears of many humanitarians, fears already triggered by the challenges of securing the humanitarian space in the post-Cold War weak state environment. Sandline International reports of a dichotomy in NGO operations where those on the ground are supportive of closer relations while the leadership of NGOs at the executive level remains hesitant and sceptical.<sup>28</sup> As well, *Africa Confidential* in 1996 noted that

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<sup>24</sup> Point by Boutros Boutros-Ghali found in Adam Roberts, "Humanitarian Action in War: Aid, protection

<sup>25</sup> Interview, Brigadier-General Ian Douglas (retired), Canadian Armed Forces, 6 April 2000.

<sup>26</sup> Correspondence, Michael Grunberg, Financial Advisor, Sandline International, 23 March 2000.

<sup>27</sup> Sandoz, "Privatisation of Security".

<sup>28</sup> Correspondence, Michael Grunberg, Financial Advisor, Sandline International, 23 March 2000.