

# PMSCs and Global Recruitment:

When demand from the ‘West’ meets labour from the ‘South’

*Author:*

Hilde van Meegdenburg

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*abstract* – Whether working for the UN, NATO, states or NGOs, Private Military and Security Contractors (PMSCs) are becoming more visible and invaluable in (post-)conflict zones. Although frequently discussed in relation to state control and legal accountability these companies, especially for more menial and feminised tasks, employ many Third Country Nationals (TCNs). Mainly coming from under-privileged regions and developing states thousands of ‘labour migrants’ have found their way into conflict zones: As opposed to the dominant image of contractors—as employing former British and US-American elite special forces—PMSC-practices are largely constituted and made possible by labour from the Global South. This paper reflects critically on the way international military engagements have come to rely on global recruitment practices, and places this in the broader context of the globalisation of production and labour in general. Exploring the parallels between the use of TCNs by PMSCs and the establishment of Global Production Networks (GPNs) in other industries this paper observes that the establishment of labour supply chains in support of Western warfare changed the distribution of the social, physical, and economic costs and benefits of the production of warfare.

## Introduction

Private Military and Security Contractors (PMSCs) are seldom discussed in relation to what is arguably their most important service: that of gathering the human resources necessary to execute the outsourced, mostly very labour intensive functions. Yet with military bases growing into towns of up to 30.000 ‘inhabitants’ everyday services such as food preparation, waste disposal, and cleaning – and at times even base protection – are handled by private companies which draw their employees from the global pool of labour, including many low-wage countries. Bases in Iraq and Afghanistan were guarded by workers from Nepal, Peru, and Uganda (Chisholm, 2014; Lucena, 2013; Herbert, 2016), and the cooking and cleaning was done by men from Bangladesh, India, Pakistan, and Sri Lanka amongst others (Cha, 2004; Barker, 2009; Stillman, 2011b). Although not necessarily a negative development it does constitute a change in the organisation of warfare that has, up to now, gone largely unnoticed. As Amanda Chisholm put it; despite some awareness of the international labour force that supports Western warfare “TCN labour [...] is largely excluded from academic and practitioner discussions” (Chisholm, 2014, p.351).

This paper aims to further our understanding of the employment of Third Country Nationals (TCNs) by looking at the (sub-)contracting practices of Western forces and the international labour supply chains through which TCNs are employed. More concretely, I aim to argue and show that, akin to the establishment Global Production Networks (GPNs) in other industries, *the establishment and use of labour supply chains changes the distribution of the social, physical, and economic costs and benefits of the production of warfare.*

To that aim this paper is subdivided into three sections. First, I briefly reflect on the globalisation of production and labour in general in order to place the employment of TCNs in conflict zones in a broader context and to indicate how, in other sectors, costs and benefits were redistributed by a globalising economy and the establishment of GPNs. Second, I elaborate on the employment of TCNs in conflict zones and the international subcontracting (or labour supply) chains through which they are recruited. This, to give an impression of the scale of TCN employment by PMSCs and the organisation of contracting and subcontracting in conflict zones. Third, drawing on journalist accounts, public statements by recruitment officers and different governmental agencies, and reports from the

United Nations Human Rights Council (UNHCR) I provide an overview of a number of labour supply chains drawing on labour from Latin-America (Chile, Honduras, and Peru), Africa (Uganda), and Asia (India and Fiji) to illustrate how the internationalisation and privatisation of the wartime workforce changes the distribution of the costs and benefits of the production of warfare – at times for the better, at times for the worst.

In short, rather than offering an explanation for labour subcontracting per se, this paper explores an alternative framework through which PMSCs and their activities can be studied and understood. Namely through the labour that constitutes and sustains these companies and their activities.

### **The globalisation of production and labour**

Considering the question *why* states, NATO, and the UN outsource some of their functions in conflicts zones has been addressed elsewhere (see a.o.: Spearin, 2009; Krahnemann, 2010; Petersohn, 2010; Berndtsson, 2014; Kruck, 2014) I here aim to embed (sub-)contracting in the broader context of the globalisation of production and labour to offer a different perspective on PMSCs and their activities.

Globalisation is frequently discussed as a driving force behind the international re-organisation of production and labour (see a.o.: Feenstra, 1998; Henderson et al., 2002; Kalleberg, 2009; Mosley, 2011; Coe & Hess, 2013). As Kalleberg explains:

Greater connectivity among people, organizations, and countries, made possible by advances in technology, has made it relatively easy to move goods, capital, and people within and across borders at an ever accelerating pace. ‘Spatialization’ [...] freed employers from conventional temporal and spatial constraints and enabled them to locate their business operations optimally and to access cheap sources of labor (Kalleberg, 2009, p.5).

While classically state oriented International Relations scholars mainly focussed on globalisation’s potential to erode state policy autonomy or alter state-market relations (see a.o.: Weiss, 1997; Garrett, 1998; Drezner, 2001; Zürn & Leibfried, 2005; Held & McGrew, 2007; Genschel & Zangl, 2008)). Others, especially sociologist and geographers, have focussed more on the establishment of GPNs and

the creation of ‘spaces of flows’ – “capital, labour, knowledge, power, etc.” – which transcend state boundaries as well as on the impact global production has on the “place-specific domains” were companies and production networks (temporarily) locate themselves or draw labour from (Henderson et al., 2002, p.438).

Organised either directly – through Foreign Direct Investments (FDI) – or indirectly – through outsourcing, subcontracting and the establishment of GPNs – the globalisation of production and labour cannot be discussed as either uniformly positive or negative. While FDI, as a way to organise overseas production without the use of intermediaries and local contractors, is at times said to create incentives for companies to invest in workers’ education, health, and overall social well-being, subcontracting and labour mediation are often seen as having the opposite effect and intention (Mosley & Uno, p.925-928, 2007; Mosley, p.12-13, 2011). The specific dynamics of subcontracting such as the continuous potential of reallocation of assignments and the search for flexibility and cost-effective production are said to drive competition between countries and regions (Coe & Hess, 2013) especially in relatively low-skilled and labour intensive industries (Mosley, 2011, see also Mosley & Singer, 2014). The often mentioned ‘race to the regulatory bottom’ is thus discussed as related not to globalisation per se but to sub-contracting and labour mediation specifically. However, also in this case the outsourcing of production to low(er)-wage regions and the use of migrant labour *can* contribute to “enhancing the wellbeing of those with few or no assets other than their labour” but whether it does depends on the type of employment it creates (Barrientos, 2013, p.1058, see also: International Labour Office, 2003, p.37).

On the one hand “when workers emigrate to find employment in another country, they often send money back home to support their families, and in the aggregate, these enormous sums of money can have profound political and economic effects on the home country” (Mosley & Singer, 2014, p.293). Kapur (2010, p.1) even talks about migration and remittances as the ‘the missing leg’ and a largely neglected mechanism of economic globalisation. According to him the “flow of labour” and “human capital” should be seen as equally influential in the political economy triad (next to flows of products and capital) as they may bring extensive benefits for the sending country (Kapur, 2010, p.5-6). And

Castles (2010) similarly argues that migration can have positive consequences as “remittance, technologies, and ideas” flow back to the sending countries and (local) communities where they may “*under certain circumstances*, lead to positive changes” (p.1568). In some countries and areas remittance may account for a substantial part of yearly household incomes (Kelly, 2013; Castles, 2010) and Mosley & Singer, referring to data accumulated by the World Bank, talk about world wide remittances exceeding US\$404 billion in 2013 (2014, p.294).

At the same time it are indirect employment relations and labour contracting, defined after the International Labour Organization (ILO) as a “triangular employment relationship where one or more third parties are involved” (International Labour Office, 2003, p.37) or as Barrientos explains “where the legal employer is separate from the person for whom work is carried out” (Barrientos, 2013, p.1059), that tend to put most pressure on labour conditions and remuneration. Likewise it are these forms of employment that are known to draw most heavily on existing pockets of poverty, underemployment, and “more marginalised ethnic groups, with less ability to resist” (Barrientos, 2013, p.1061). Migrant and subcontracted workers are thus more likely to find themselves in subordinate and particularly precarious positions. This holds true for construction workers in Europe who are frequently drawn in from other, ‘cheaper’ countries (Woolfson & Sommers, 2006; Lillie & Greer, 2007); for the agricultural industries in Brazil were un-skilled, temporary employees are brought in from afar at times facing labour conditions “analogous to slavery” (Phillips & Sakamoto, 2012, p.289); and for the production of consumer goods, such as the garment industry in India, where the prospect of work draws many to the sites of production despite well know stories of exploitation and substandard working conditions (Barrientos, 2008).

As such, although subcontracting practices, labour mediation, and labour migration *may* bring substantial benefits as it allows workers and their families/communities to invest in their social and economic well-being, it also comes with substantial risks. In relation to TCN employed in (post-)conflict zones these risks regard bodily risks which derive from “threats inherent to a war situation” (UNHCR, 2008a, p.14) as well as social and economic risks that inhere from the labour supply chains and subcontracting themselves. The ILO found for instance that migrant and subcontracted workers often find themselves in com-

plex employment relationships where it is unclear: a) who bears responsibility for protection; b) what the workers' rights are; and c) in case of subcontracting chains spanning multiple countries and jurisdictions, in which jurisdiction their rights can be enforced (International Labour Office, 2003, p.49, ??). Moreover, although in most cases the agency or subcontractor would be legally liable and responsible "the role of the user can be crucial with respect to ensuring respect of these rights (such as limits on working hours, rest breaks, paid leave, etc.)" (International Labour Office, 2003, p.49) and workers may find themselves in situations of indentured labour where looking to enforce basic rights may seem as good as impossible (Phillips & Sakamoto, 2012; Barrientos, 2013).

These labour practices and employment mechanisms – subcontracting, mediation, and migration – as may come to little surprise, are also prevalent amongst PMSCs supplying services to Western forces in conflict zones. They therefore offer an alternative lens to look at and understand PMSCs and their practices. A lens which, by focussing on the labour that constitutes and sustains these companies and their activities, makes visible the back-end activities of PMSCs and their functioning as labour supply chains.

### **Demand from the 'West' meets labour from the 'South'**

Whilst wartime contracting and the use of PMSCs in conflict zones received much scholarly attention (see a.o.: Singer, 2003; Avant, 2005; Chesterman & Lehnardt, 2007; Krahnmann, 2010; Abrahamsen & Leander, 2016), the focus has largely been on the most visible military and security contractors and the impact they had on the regulation, control, and accountability of the use of force (Leander, 2013, p.2-3; van Meegdenburg, 2015, p.329-332). Or, put differently, work has so far focussed on PMSC' front-end activities (the military and support services they provide) and largely neglected their back-end practices (how they organise themselves to provide those services).

PMSC subcontracting chains, when they are mentioned, are similarly often discussed in relation to questions of control and accountability. Both in practical evaluations of PMSCs (Schwartz & Swain, 2011; Commission on Wartime Contracting, 2011) as well as in the academic literature (see for instance: McCoy, 2010, p.676-86; Perry, 2012, p.43; Berndtsson, 2014, p.556-57) PMSCs subcon-

tracting chains are mostly seen in light of the execution of the contract or “the success of the mission overall” (McCoy, 2010, p.685). As such they are discussed in light of the front-end consequences of their back-end organisation.

An exception to some extent are the problematisations of PMSC labour practices through feminist and post-colonial lenses. From these perspectives scholars have studied the social hierarchies of masculinity, race, and geography that mark the private sector in conflict zones (see a.o.: Barker, 2009; Higate, 2012; Chisholm, 2014; Eichler, 2015).<sup>1</sup> In this literature however, although it is observed that PMSC recruitment practices explicitly draw on global inequalities to support their activities – Paul Higate observes for instance that PMSCs recruit TCNs from the “periphery of the global economy” searching those who have been unable “to secure employment in their home country” (Higate, 2012, p.37), and Isabella Barker links outsourcing practices to “the global division of reproductive labor” and argues they “[reflect] more general economic trends towards restructuring and flexible production” (Barker, 2009, p.212-213, see also: Joachim & Schneiker, 2015; Chisholm & Stachowitsch, 2016) – these observations generally serve to explicate individual experiences and social hierarchies. Here, in reverse, I acknowledge that race, gender, and colonial histories take prominent positions in understanding the global inequalities which enable PMSC recruitment practices but I will take these largely as a given. Instead, I look at the recruitment practices themselves and how they redistribute the social, physical, and economic costs and benefits of the production of warfare.

### *TCNs in (post-)conflict zones*

Apart from the above mentioned feminist approaches Katherine McCoy noted that defence contractors have a “global reach” which allows them to build up a “global workforce” (McCoy, 2010, p.676). She however only briefly touches upon

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<sup>1</sup> Chisholm for instance put forward that “while white men come to the market through their individual merit, Gurkhas and other TCN men are valued and made intelligible through their martial race and colonial histories” (2014, p.355). Similarly, yet in relation to those contractors involved with the feminised tasks of cooking and cleaning, Isabella Barker argued that the employment of coloured men from Asian countries “reinforces the devaluation and disavowal of social reproduction and, in the process, serves as a site of symbolic politics underwriting the gendered dimensions of the national identity of the American soldier” (Barker, 2009, p.215). She thus focusses her argument on the re-enforcement of white military masculinities relative to, and by means of the subordination of, coloured and feminised workers “who serve them pizza [... and] do their laundry” and who are explicitly framed as “*not* soldiers” (Barker, 2009, p.228, emphasis in original, see Eichler, 2014, p.607 for a similar argument and focus).

the subcontracting chains that enable international recruitment and concludes that “this design works well for both [PMSCs] and their clients [the contracting states]” (ibid., p.678). Yet, what do we know about TCNs labour in conflict zones?

In 2008, the first year for which this information is available, US-American contracting and sub-contracting alone brought over a 100.000 people from third countries to (post-)conflict areas where the USA was militarily active (CENTCOM, 2008). In Iraq that year TCNs made up the largest support force, with contractors employing more than 72.000 people from third countries. To put this in perspective: that number greatly exceeds the number of regular coalition forces (minus the USA) in that theatre at the time (see table 1). According to the Brookings Institution (2012) ‘Iraq Index’ in January 2008 there were 157.000 US-American regular forces in Iraq, 10.600 coalition forces, and, following data from the USA Central Command, a total of 163.446 contractors of which 28.000 were US-American citizens, 72.109 were TCNs, and 63.292 were Iraqi nationals (CENTCOM, 2008). Although these numbers differ over the years and between theatres in Afghanistan in 2012 US-American contractors still employed almost 40.000 people from third countries (see table 2) and to date, July 2017, there are still 10.279 TCNs in these theatres working for US-American (sub-)contractors (?). It is, moreover, unlikely that this represents the full scale of TCN labour in these theatres.<sup>2</sup>

Unfortunately the US-American Central Command does not give information about the countries of origin of contractor employees. The following however can be seen as a rough overview. First, the UN Working Group on the use of mercenaries counted at least 14 different nationalities amongst TCNs working in Iraq as *security contractors*.<sup>3</sup> Besides ‘expatriates’ from Australia, Canada, and the UK other workers came from “Bulgaria, Colombia, Chile, El Salvador, Fiji, Honduras, Nepal, Peru, the Philippines, Romania, Russian Federation, Ukraine

<sup>2</sup> First, the numbers are inconclusive because the extent and opaqueness of subcontracting hinders the US-American authorities in determining the number of employees employed on contingency contracts (Schwartz & Swain, 2011). Second, the numbers, representing the USA alone, are incomplete as they exclude outsourcing by other countries and international organisations such as NATO. Although less extensive than US-American outsourcing Perry (2009), Petersohn (2010), Østensen (2013), Olsson (2013), Krahmman (2013), Kruck (2014) and van Meegdenburg (2016) report in-theatre contracting by countries as diverse as Canada, Denmark, France, Germany, Norway, Sweden, and the UK.

<sup>3</sup> The full name of the Working Group is: ‘UN Human Rights Council Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination’.

	US-American forces	coalition forces	contracted Iraqi nationals	US-American contracted TCNs
2008	157.000	10.604	63.292	72.109
2009	142.000	7.000	30.007	53.780
2010	110.000	-	10.668	42.457
2011	47.000	-	7.370	29.213
2012	-	-	2.065	4.621

Table 1: Coalition forces, Iraqi nationals, and Third Country Nationals in Iraq

	US-American forces	coalition forces	contracted Afghani nationals	US-American contracted TCNs
2008	34.000	28.250	58.466	4.381
2009	34.000	31.880	78.430	16.349
2010	70.000	38.710	34.222	15.503
2011	100.000	41.893	50.687	27.912
2012	89.000	40.386	38.270	39.480

Table 2: Coalition forces, Afghani nationals, and Third Country Nationals in Afghanistan

and others”—adding that they have “reliable information” that citizens from Nepal, Fiji, Singapore, the Philippines, and Nigeria have been “fulfilling military functions in the assistance of United States military forces in Afghanistan” (UNHCR, 2008a, p.12). Moreover, Isabella Barker (2009, p.214) and a number of journalist accounts (see: Cha, 2004; Stillman, 2011, Herbert, 2016, Lawrence, 2016) place many employees from Bangladesh, India, Pakistan, and Sri Lanka working as cooks and cleaning staff in these theatres, as well as a large number of security guards from Uganda.

As such it is no exaggeration to state that tens of thousands of people from the Global South have been brought into conflict zones to work for defence contractors in support of Western warfare. Despite the fact that PMSC’ ‘self-characterisations’ rest in part on them employing former British and US-American elite special forces (Kruck & Spencer, 2013, p.332-334; Joachim & Schneiker, 2015, p.115) TCNs from the Global South constitute a large share of the private wartime workforce. Likewise, most of the services provided by PMSCs do not relate to security services. This, despite the fact that companies in this sector drew most attention (see van Meegdenburg, 2015, p.337-339, whereby Barker, 2009 constitutes the exception). According to statistics from the US Central Command only 5,6% and 6,4% of the *total* private workforce of the US-American forces were dedicated to security functions in 2008 in Afghanistan and Iraq respectively (CENTCOM, 2008). Also regarding TCNs most workers were not dedicated to security functions but to base support, translation, interpretation, transportation, logistics, and maintenance functions (CENTCOM, n.d.). Notwithstanding that the share of security employees amongst TCNs has been significantly higher in Iraq (see table 3).<sup>4</sup> If one adds to that that contracting by other, mostly European countries, is described as “not as extensive” (Krahmann, 2010, p.156) and as having been “used [mainly] in limited non-lethal support functions” (Mandrup, 2013, p.39) it may be concluded that the vast majority of contractors are not active in military functions.

It seems therefore that the strong focus in the literature on security contractors and the questions they pose for state accountability and regulation (the

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<sup>4</sup> Based on the number of contractors marked as ‘Private Security Contractors’ (PSCs) by the US-American Department of Defence as a share of the total number of contractors in these theatres per year (CENTCOM, n.d.). The share of security contractors in Afghanistan is smaller as many Afghan firms and Afghani nationals were recruited to execute these functions. In 2012, for example, ca. 38.270 Afghani national were employed by the US-forces of which 15.413 (40,2%) are labelled security contractors (?).

		2008	2009	2010	2011	2012
Afghanistan	TCNs total	4.381	16.349	15.503	27.912	39.480
	of which security	32	1.017	858	948	1.437
	in percent	0,7%	6,2%	5,5%	3,4	3,6%
Iraq	TCNs	72.109	53.780	42.457	29.213	4.621
	of which security	8.188	9.212	9.713	8.293	1.823
	in percent	11,4%	17,1%	22,9	28,4%	39,5%

Table 3: TCNs in Afghanistan and Iraq – share of security personnel

front-end of PMSC practices) may have obscured an important development: Namely that the demand for military and, especially, support services has been largely met by labour from the Global South (the back-end of PMSC practices).

#### *PMSC labour supply chains*

However, more than illustrating how many TCNs (by approximation) have been employed in Afghanistan and Iraq my aim is to establish PMSCs as labour supply chains and to show how they redistribute the social, physical, and economic costs and benefits of the production of warfare. To that aim the below provides some examples of what such labour supply chains may look like in practice.

Regarding Latin-American workers employed as *security guards* in Iraq, the UN Working Group on the use of mercenaries (UNHCR, 2008a) found that Chilean, Honduran, and Peruvian nationals were indeed contracted through locally operating manpower firms, subsidiaries, or agents using subcontracting schemes that spanned multiple territorial and regulatory regimes. The set-up of the supply chains differed, however, per country even though workers were in part recruited to work for the same prime-contractor. Probably the shortest and most straightforward supply chain set-up was that of Triple Canopy searching and hiring Honduran recruits. Triple Canopy, a US-American prime-contractor which won a contract to guard the ‘Green zone’ in Baghdad, sub-contracted the recruitment and organisation of the labour force to a US-American manpower company, Your Solutions Inc. from Illinois. Your Solutions subsequently set up a subsidiary in Honduras, Your Solutions Honduras, to organise and train suffi-

cient workers (UNHCR, 2007a, pp.7-12). Triple Canopy paid Honduran security guards \$990 per month.

The subcontracting chain through which Peruvian security guards were recruited is already more involved. Here, the first-tier subcontractor further subcontracted the recruitment to a number of locally operating firms. The Working Group estimates that some 1.100 Peruvians worked for Triple Canopy and a second US-American firm MVM inc. in Iraq (UNHCR, 2007b). Both prime-contractors worked through 3D Global Solutions, a company based in Indiana, USA specialised in, amongst others, global staffing solutions for “healthcare, defence, and commercial markets”.<sup>5</sup> The Working Group notes that 3D Global Solutions in turn sub-contracted recruitment to a number of local firms – Gesegur SAC., Gun Supply SA, G4S Wackenhut Peru SA, and Defion Internacional SA (UNHCR, 2007b, p.7). Employed as guards in both the ‘Green zone’ and ‘Red zones’ in Iraq Peruvians similarly received \$990 per month. (UNHCR, 2007b, p.6-9, see also Lucena, 2013; Páez, 2007).

Lastly, the subcontracting practices which brought Chilean guards to Iraq, in this case working for Blackwater and Triple Canopy, are more obscure. Here the Working Group observed they were contracted through manpower agencies set up in Uruguay and Panama in order “to avoid problems with the Chilean authorities” (UNHCR, 2008c, p.9). Central in this chain are four companies owned by one person: José Miguel Pizarro. Pizarro organised part of the work forces for Blackwater and Triple Canopy through Red Táctica Inc. established in the USA; Grupo Táctico Chile seated in Santiago de Chile; Neskowin domiciled in Montevideo, Uruguay; and Global Guards Cooperation established in Panama (UNHCR, 2008c, p.9). Besides other contractual irregularities the Working Group noted that the Blackwater contracts indicated they were signed in North Carolina, whereas the Triple Canopy contracts were supposedly signed in Amman, Jordan. While Blackwater reportedly paid its workers approximately \$3.000 per month Triple Canopy later paid Chileans similar to other Latin-American recruits, \$990 per month.<sup>6</sup>

<sup>5</sup> See: <http://www.3dgs.net/services/human-capital-management>. Last accessed 26.01.2017.

<sup>6</sup> Unfortunately the working group does not offer an explanation for this difference in pay. However, in an article for the North American Congress on Latin-America (NACLA, a non-governmental organisation) Eric Stoner explains that the pay discrepancy likely relates to the fact that Blackwater was the first company to enter the ‘market’. When Pizarro also started to recruit Latin-Americans for Triple Canopy, offering only \$990, this “became the going rate

However, with only a small share of contractors working as security guards (see US-American Central Command statistics, CENTCOM, n.d.) a blind-spot of the UN Working Group is that they do not take those workers into consideration which do not work on security related functions. Yet, it seems that the labour supply chains through which other, non-security workers such as cleaners, cooks, construction workers, and truck drivers were recruited show both greater complexity and greater vulnerabilities. Coming mainly from Asian and Pacific countries, concerns include local ‘agents’ or ‘recruiters’ employ(ing) deceptive recruitment strategies and taking high recruitment-fees. On the one hand prospective workers were deceived by promises of jobs in countries other than Iraq or Afghanistan (such as in Kuwait) and promises of wages well above what they were later given. On the other hand recruits had to pay local recruiters high ex-ante recruitment fees (reportedly up to \$5.000 per person) to be recruited in the first place (McCahon, 2011; Black & Kamat, 2014). Whilst the first of these practices (deceptive recruitment) seems to apply to some Latin-American security guards to some extent as well (further explained below) the recruitment fees seem to apply mainly to workers from this region.

Ariana Cha (2004) traces a chain of subcontracting back from a local Indian manpower firm “through five levels of subcontractors and employment agents” to one of the USA’s most prominent defence contractors Kellog, Brown & Root (KBR). Cha tells the story of 29-year-old Dharmapalan Ajayakumar from Kerala, India. Approached by a recruiting agent with a job offer to work in Kuwait for a caterer for two years Ajayakumar paid the agent \$1,800 ante to be recruited. Money, Cha explains, he borrowed from local loan sharks. He, together with other Indian service employees (cooks, truck drivers, and construction workers), was originally contracted to a manpower company called Subhash Vijay which in turn “had hired them to work for Gulf Catering Co. of Riyadh, Saudi Arabia, which was subcontracted to Alargan Group of Kuwait City, which was subcontracted to Event Source of Salt Lake City, which in turn was subcontracted to KBR of Houston” (Cha, 2004). Only when they reached Kuwait did they learn they will not be employed there but taken to Iraq. In the end they were set to work at an American base in Northern Iraq—Qayyarah Airfield West. Ajayakumar and his colleagues were reportedly given “less than \$7 a day” which adds up to around \$200 per month when working six days a week.

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for recruits throughout the region” (Stoner, 2014).

Similarly, the Fijian women central to Stillman's (2011) story paid \$500 ante to, supposedly, be recruited to work at a beauty salon in Dubai. However, recruited by Meridian Services Agency it turned out they were subcontracted to a Turkish company called 'Kulak Construction' a second tier contractor that took them to work at Camp Anaconda, a US-American base north of Baghdad. Once taken to Camp Anaconda the women learned they would not be making the promised fifteen hundred dollars a month but "were told that they would make only seven hundred dollars a month, a sum that was later reduced, under another subcontractor, to three hundred and fifty" (Stillman, 2011b). Initially the women went on a strike. As one woman is quoted saying: "It was ridiculous, really, slave labor, absolutely ridiculous out here in a war zone" (in Stillman, 2011b). The author says that after two weeks of protest the women accepted a contract that would give them \$800 a month which, as one of them noted, "was better than being stranded with no pay" (Stillman, 2011b).

Although more stories could be told as different contractors have set-up different supply chains to reach workers from different regions with different qualifications,<sup>7</sup> the general thrust may be clear from the above. As Cha (2004) points out; "there are no restrictions on the number of subcontractors that can be used" by US-American prime-contractors. This creates important advantages for the companies. First, such complex subcontracting relations with differing contractual rights and obligations are difficult for workers to understand. José L. Gomez del Prado, former Chairperson-Rapporteur of the UN Working Group on the use of Mercenaries, argued like this when he pointed out that such subcontracting chains, at times specifically devised to bypass existing national regulation and to blur the lines of responsibility, create many legal uncertainties and put employees in a position where litigation in case of injustices would bring incredible challenges and costs (UNHCR, 2008c). Second, as explained by Sam McCahon (an US-American lawyer and prosecutor) in an interview with Al Jazeera; the way most US-American defence contracts are set-up prime-contractors "actually have an incentive to use subcontractors" although this is not necessarily cheaper

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<sup>7</sup> The UNHCR (2008b) recounts Fijian security guards recruited by Homeland Security Services Ltd (Fiji), the local agent of Armor Group Services Ltd (U.K.). Herbert (2016) investigates Ugandan guards recruited through, amongst others, local companies called Askar Security Services as well as a subsidiary of the South African Saracen, Saracen Uganda to work for SOC-USA in Iraq, and the documentary *America's War Workers* from Al Jazeera dives into other subcontracting chains supplying Indian workers who, at times, indicate they paid \$4.000 ante to be recruited.

nor more efficient (Black & Kamat, 2014). So called ‘cost-plus’ contracts with prime-contractors mean all costs the contractor incurs will be reimbursed *plus* a fixed profit margin as a percentage of the total costs. “So the economic advantage is to incur as many costs as you can legitimately do so. The prime contractors make millions of dollars in additional profits by subcontracting it out” (McCahon in Black & Kamat, 2014).

At the same time, from a labour perspective, it is likely that these constructions, precisely because they obscure labour relations and responsibilities, have had detrimental effects on the labour conditions and worker rights in the industry (UNHCR, 2007a, 2008a).

### **(Sub-)Contracting and the production of warfare**

As the initial, brief discussion on the globalisation of production and labour aimed to convey; subcontracting practices and the establishment of labour supply chains can neither be described as inherently negative nor innately positive. Much depends on the conditions under which contracting and, ultimately, the actual work takes place. It furthermore served to provide the framework that allows us to reconstitute PMSCs as global production networks and to shift the focus away from their front-end activities (the military and support services they provide) to their back-end practices (how they organise themselves to provide those services). This section aims to illustrate how PMSC sub-contracting practices changes the distribution of the costs *and* benefits of the production and warfare.

#### *Sub-contracting and remittances*

Besides the prime-contractors and their sub-contractors there is no reason to doubt that some TCNs have benefited from their work in conflict zones as well – despite the risks and dangers. A former Peruvian guard, Norman Alfonso Solano, for instance explained to a reporter that “here in Lima I would make \$200 a month, if there would be work” (Páez, 2007). Considering, however, unemployed was high and he faced considerable difficulties in finding a job he committed, knowingly and willingly, to work for a security contractor in Iraq. “This was a true opportunity, not everyday do you get to be so lucky to make this kind of

money” (in Páez, 2007). After his first tour of duty in Iraq, Solano’s family was able to build a new house and to pay for better education for their children. So when the money ran out, he committed for a second term in Iraq. This line of argumentation is also put forward by Rolando Soto, a former recruitment agent and subcontractor of Triple Canopy in Peru: those contractors that were able to buy a house or afford better education for their children were grateful for the work, “their quality of live improved significantly” (in Lucena, 2013).

As argued, migratory work and remittances can have a significant impact on the sending countries, especially on societies and regions struggling with high unemployment rates and poverty. The Fijian Minister of Labour of that time, Kenneth Zinck, for instance, placed PMSC employment opportunities in such a positive light: “the Government knows that more men are leaving for Kuwait and Iraq and it is a good thing because it is providing employment for the unemployed. This is one solution to the increasing unemployment rate in the country today” (Maclellan & Mares, 2006, p.143). Another example is Uganda, where “returning guards use earnings to buy land, build homes, and start small businesses” (Herbert 2016) and where, according the former Minister for Labour, Employment, and Industrial Relations Mwesigwa Rukutana, “the Iraq opportunity brings in about \$90 million dollars, whereas our chief export, which is coffee, brings in around \$60 or \$70 million a year” (Delany, 2009) – making Ugandan labour in conflict zones one of its new primary export products. And, as Rukutana, added: “If anyone thinks the conditions there are bad or that he is going to be exploited, no one is compelling him to go” (in Delany, 2009).

Also regarding work for PMSCs it may thus be noted that subcontracting labour from poorer regions is not *necessarily* a negative development. Certain mechanisms, when in place, can bring opportunities, knowledge, and skills to communities previously excluded from the global economy. This would, however, assume that PMSCs invest in the training, education, and overall social well-being of their employees – something that would allow them to accumulate social and other capital and to break their dependence on insecure and vulnerable forms of labour. In short, much depends on the employment they create and the conditions under which the labour is agreed upon and executed. However, as I will illustrate below and akin to developments and the globalisation of production in other sectors, it are likely PMSCs sub-contracting practices, stimulated by the

incentive structures of cost-plus contracts, that mediate such possible positive outcomes for many TCNs.

### *Sub-contracting and labour conditions*

Stating the obvious first, the UN Working Group on mercenaries noted that “PMSC employees often find themselves working in a situation of armed conflict where they are constantly exposed to ‘great risk and immediate danger’ in a ‘hostile environment’ including but not limited to ‘the threats inherent in a war situation’” (UNHCR, 2008a, p. 14). Norman Alfonso Solano admitted that he, during his time in Iraq, had been afraid for his life every single day as mortar fire enclosed their position (Páez, 2007). And even for those, like Solano, who commit knowingly to the risks and dangers the consequences may be severe and bring high social and economic costs in case of injuries or death.

Whilst regular soldiers and their families are often part of special military healthcare and benefits plans, and thus, to a certain extent, insured for injuries and losses (Cowen, 2006), especially TCNs have faced great difficulties in filing their claims and receiving financial and medical aid – and this, when they were even aware they possess these rights under the Defence Base Act (UNHCR, 2008c; Miller, 2009, 2010; Vicky, 2012). As José Gómez del Prado argued: “when they [TCNs] are injured, in order to get the compensation, is hell, because you have to claim to the United States” (in Lucena, 2013). And as many insurance companies, at least in the first instance, deny claims and compensation many TCNs have to struggle with cost-intensive and complicated legal disputes across jurisdictions (Vicky, 2012; Lawrence, 2016). A good indication for these difficulties is the relatively low number of claims filed by TCNs under the Defence Base Act. Miller (2009), writing for ProPublica, found for instance that TCNs filed less than 15% of the total claims under the Defence Base Act “although they outnumbered Americans by about 2-to-1” which is an indication, according to him, “that many wounded foreigners never apply for benefits” (Miller, 2009, see also: Lawrence, 2016).

For those employees that sustain injuries (or even die) during their work for PMSCs, their employment in conflict zones can thus bring high social and economic costs. Injuries may impede future employment opportunities, and, when the insurance company denies the claim, families, and at times entire

communities, have to bear the costs of treatments and operations. As such, to the dangers that inhere from work in a conflict situation we have to add the risks that seem to inhere directly from the subcontracting practices. Of these the complex and opaque insurance system in but one.

Even in relation to the most straightforward subcontracting chain, that which recruited Hondurans for Triple Canopy through Your Solutions Inc, the Working Group on mercenaries

received information concerning irregularities in compliance with the contracts of these employees who report harsh working conditions, partial payment or non-payment of wages, arbitrary action by superiors including isolation, lack of basic necessities such as food and lodging, as well as a lack of medical treatment and poor sanitation (UNHCR, 2007a, p.8).

Likewise, in his summary report for the UN Working group on mercenaries Gomez del Prado talks about “exploitation” of security guards and points towards “poor working conditions, including excessive working hours, partial or full non-payment of salaries, ill-treatment, and the neglect of basic needs such as access to medical services” (UNHCR, 2008a, p.15). He also indicates instances of “deceptive recruitment” where “contracts were signed under fraudulent conditions” and that “contractual irregularities” have been reported by Chileans, Fijians, Hondurans and Peruvians alike (UNHCR, 2008a, p.15). What this may look like becomes clear in the TV-documentary *America’s \$33 dollar mercenaries* by Fernando Lucena (2013) which relates the stories of a number of Peruvian men recruited to work as security guards and who ultimately found themselves guarding a military base in Basra, Iraq. Right before boarding the plane that would take them to Jordan for training they were forced to sign a new contract, annulling the old. In this new contract it was stipulated that they would not make the earlier promised \$33 a day. Instead, the company would withhold \$9 which was only to be paid at the end of their twelve month service, effectively reducing their wages to \$24 a day unless they completed their contract. Those who did not, for which ever reason, serve the full twelve months were not to receive the \$9 that were withheld. Whilst this is a clear contractual irregularity itself, it also aggravated their situation. When the group arrived in Basra they complained, arguing they did not feel their remuneration reflected the dangers

they were now facing. Their supervisors told them that if they did not agree they could leave. Leaving however, was not a real option. As Pedro Covenas said “when you leave, you do not get paid [...] we would have lost everything” (in Lucena, 2013).

Such forms of deceptive recruitment and mistreatment of workers were probably even more common in the labour supply chains sourcing from Asian and Pacific countries for non-security services. As already noted, Dharmapalan Ajayakumar and his colleagues were told they would work in Kuwait for a caterer, a save job which, or so they were promised, would pay well – five times his monthly earnings in India. Taken to Iraq instead they had to work for far less, \$7 a day, a rate at which it would take them up to a year or more to pay-off the debts they incurred for the ex-ante recruitment fees (Cha, 2004; McCahon, 2011; Black & Kamat, 2014). And also the Fijian women were promised good money, and a job “at a luxury hotel in Dubai” servicing “wealthy Arab customers” (Stillman, 2011b). Moreover, and besides these forms of deceptive recruitment, workers “recount[ed] having been robbed of wages, injured without compensation, subjected to sexual assault, and held in conditions resembling indentured servitude by their subcontractor bosses” (Stillman, 2011b). Ajayakumar worked at the mess hall without himself being properly fed: “The cooks set aside some rice and curry for them but it was not enough and they had to supplement their food with whatever was left over from the soldiers’ meals – which was often nothing” (Cha, 2004). In a separate publication Stillman also reports about a former KBR labour foreman, the US-American Mike Land, who “sometimes led covert missions to the dump, where hungry workers picked through leftover food that U.S. soldiers had discarded, mostly treats like pudding, cookies, and fruit cups” (Stillman, 2011a). Workers had to drink unfiltered Iraqi tap-water, did not receive proper medical care, did not receive protective gear in case of mortar or other attacks, and were housed in crammed tents without air-conditioning or privacy (Cha, 2004). The contract the Fijian women in the end signed stipulated they had to work twelve hours a day, seven days a week (Stillman, 2011b).

At the same time most TCNs are not in the position to decline or ‘exit’. Similar to the Peruvian security guards most workers had one or several reasons to not voice their concerns and endure the subjugation. “The workers said they felt trapped. They didn’t want to be in Iraq, but returning home meant no more

jobs, paying their own travel expenses and forfeiting the agent's fees. Plus, their bosses were holding their passports" (Cha, 2004). The Fijian women similarly reported they had little choice but to accept the low pay and exhaustive working hours. When they learned about being taken to Iraq and paid so little

the women contemplated running away. But a number of them had taken out loans to cover their recruiting fees, and Meridian had reportedly threatened some with more than a thousand dollars in early-termination fines if they left (Stillman, 2011b).

And Vicky (2012) quotes an Ugandan guard who, in relation to what seem extreme and unfair 'disciplinary measures' – in this case the worker said that the company withheld two weeks of pay, as he was not wearing his helmet off-duty – said: "We were scared of losing our jobs, so we kept our mouths shut".

In all, it seems unlikely these practices and violations of rights would have continued for so long, and with such severity, if prime-contractors would have recruited and hired their employees directly. This becomes clear from a testimony of Sam McCahon for the House Committee on Oversight and Government Reform. As he argued: "prime contractors have a history of turning a blind eye to the practice and lack any motivation to get involved in mitigation efforts" (McCahon, 2011, p.3) – a direct outcome of the sub-contracting practices as prime-contractors have no *legal* responsibility towards the employees of its subcontractors. As McCahon cites the vice-president on an US-American prime contractor: "We have no privity of contract with the subcontractors' employees, so it is not our problem" (McCahon 2011: 3). And strictly speaking this is correct. But as the ILO argued "the role of the user can be crucial with respect to ensuring respect of these rights (such as limits on working hours, rest breaks, paid leave, etc.)" (International Labour Office, 2003, p.49) and the argument here is that prime-contractors, profiting from the sub-contracting arrangements, do in fact not interfere with worker treatment in their supply chain. For instance; KBR reportedly told its labour foreman Mike Land to "refrain from further involvement regarding the working and living conditions of the sub-contract workers" as his deeds were "disruptive to maintaining a harmonious relationship between KBR and one of its Strategic Partners, PPI" (Stillman, 2011a). And, regarding the same prime contractor, KBR, Isenberg & Schwellenbach (2011) in a report

for Project on Government Oversight (POGO) give an account of a dispute between KBR, its first-tier subcontractor Najlaa International Catering Services from Kuwait and the second-tier subcontractor Transtours from India. In this case there were clear indications of large scale mistreatment, exploitation, and human trafficking for which Najlaa and its labour arrangements were responsible. Although Najlaa tried to shift the blame to the second-tier recruitment firm – who did collect the excessively high recruitment fees of which Najlaa received a share – and despite the fact that complaints and examples were known to KBR since early 2008, the latter continued to work with Najlaa as subcontractor for years to come.

In both of these cases KBR did not take responsibility for its supply chain at a point where it could, sending the wrong message to subcontractors and labour suppliers. In the end, these types of practices let then President Obama to sign an executive order in 2012: “Executive Order – Strengthening Protections Against Trafficking In Persons In Federal Contracts”.<sup>8</sup> Although this order may take some of the sharpest edges of the labour supply practices, or least increase awareness of the precarious situation that many TCNs find themselves in, the question remains if the next contingency situation, when labour has to be ‘conjured’ by the prime-contractors within a couple of weeks notice, would not bring about similarly adverse supply chains.

### **The costs and benefits of the production of warfare**

The involvement of private, for profit companies means that the *production of warfare*, like the production of other goods and service, can be studied and understood, in part, through the labour that constitutes and sustains these companies and their activities. So far however most research on PMSCs and their practices has focussed on their on front-end activities and the meaning their services have for states and warfare. Yet, as I have argued in this paper, this focus on PMSC front-end activities has largely obscured their back-end practices and the role and labour of the many third country nationals that travelled to conflict zones to execute (most) of the work. I therefore aimed to explore an alternative

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<sup>8</sup> See: <https://obamawhitehouse.archives.gov/the-press-office/2012/09/25/executive-order-strengthening-protections-against-trafficking-persons-fe>. Last accessed: 15.08.2017.

framework and focussed on PMSC back-end practices; that of gathering the human resources necessary to execute the outsourced, mostly very labour intensive functions

Akin to dynamics in other industries, it seems that PMSC sub-contracting chains, which are, in effect, *labour supply chains* searching for and drawing on inexpensive and often vulnerable labour from global pockets of under-employment and poverty, take away incentives for companies to invest in workers' education, health, and overall social well-being. Although one could question the morality of employing TCNs in conflict zones per se, questions should also be raised regarding the current organisation of labour and sub-contracting in practice. ...

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