

United States Foreign Policy and the Utilisation of Private Military and Security Companies in Colombia

**Master's Thesis for the Degree of International Relations at the
University of Leiden, 2018**



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Identify the primary factors that have driven US foreign policy in Colombia between 1986 – 2017 and evaluate the reasons why Washington has utilised PMSCs to assist in advancing these drivers

[1] Introduction

“Frankly, I'd like to see the government get out of war altogether and leave the whole feud to private industry”, Major Milo Minderbinder- Catch-22 (Heller,2004)

The use of privatised forces on the battlefield is as old as organised warfare itself and almost every single power, principality, State or empire historically, regardless of whether they were powerful or weak, have made use of privatised forces to assist them in their strategies for survival, expansion or domination(Singer,2004:19).The United States (herein referred to as the US) is not by any means a stranger to this age-old adage of utilising privatised forces to augment its own regular military forces in support of its national foreign policy and security needs (Kidwell,2005: vii). The US has relied upon privatised forces in almost every major conflict it has fought, going back to their War of Independence against the British Empire in the 18th Century, the Philippines at the turn of the 20th century, the Indochina campaigns in the 1960's and 1970's, through to the many conflicts associated with its wars against drugs and terror more recently; the practise today does not appear to show any signs of abatement.

Whilst privatised forces have long been a feature of the US foreign policy apparatus it was in the years following the ending of the Cold-War whereupon we have witnessed the rapid growth and development of a new and truly international private military and security industry and global market for force (Stranger,2009:84). This relatively modern and quintessentially corporate entity is now far more developed in terms of size, scale and scope than the industry that preceded it and is capable of providing a varied catalogue of the most up to date military and security services to prospective clients. Prior to the ending of the Cold War, the actors and groups related to this industry operated within a dubious black market and were shunned by more accepted and conventional commercial enterprises. This situation today however is no longer widely applicable as contemporary private military and security companies, herein referred to as “PMSCs”, have made a full transition towards a legitimate

and legal practise in a fashion not dissimilar from any other mainstream commercial enterprise.

A recent report by the Center for a New American Security noted that today the US Department of Defence (DoD) employs 1.4 million military personnel and 770,000 civilian employees plus more than 800,000 part-time reserve personnel and that DoD employees themselves are augmented by a large number of private contractors(Isenberg,2017). Estimates put the number of private-sector contractors providing services to the DoD alone at around 750,000; this is not even accounting for numbers employed by the Department of State who themselves have sizeable numbers of contractors on their payroll (Isenberg,2017). PMSCs such as DynCorp International, Military Professional Resources Inc. (MPRI) and KBR, Inc (formerly Kellogg Brown & Root) operate in any and all combat zones encompassing every continent globally and are able to undertake inherently militarised and securitised functions for whomever pays them. This may range from dictators, rebel groups and drug cartels through to legitimate sovereign States, multinational corporations and humanitarian NGO's (Singer, 2004:9). Operating in this capacity, PMSC activities include the overtly coercive such as offensive combat action, armed security details and the detention and interrogation of prisoners, through to non-coercive activities such as providing military training, logistical support and intelligence gathering and analysis. This however is by no means an exhaustive list of all their services and functions (Tonkin,2011:1).

In seeking to address this paper's central research question, that is: *identify the primary factors that have driven US foreign policy in Colombia between 1986 – 2017 and evaluate the reasons why Washington has utilised PMSCs to assist in advancing these drivers*, I will present the following argument. That being, the US (namely Washington, or the Executive) is utilising PMSCs to assist in the advancement of its national interests such as the democratisation and stabilisation of Colombia whilst ensuring that the Colombian State maintains its neoliberal status. Washington's explicit use of PMSCs through its efforts to advance these national interests has also has the effect of facilitating its primary aims that could be argued to harbour ulterior motivations. Those being; to foster a greater degree of US control politically, strategically and economically over Colombia and the wider Latin American region through privatised means rather than more traditional state centric mediums. Ultimately however the crux of the matter is that the US would otherwise find difficult to advance these aforementioned national interests and ulterior motivations without the direct

assistance from PMSCs. The fact remains that the United States government has embraced privatised outsourcing as part of the solution to almost every significant international challenge it has faced and it is evident that the burgeoning privatised market for force has become an entrenched tool in Washington's foreign policy arsenal, particularly with respect to the Colombian case. In accordance with this observation one is met with the unavoidable conclusion that American power is taking on a different shape (Stranger,2009:7). Therefore, it is imperative to investigate this phenomenon further in this paper through the specific lens of the Colombian case because the use of PMSCs by Washington to assist in pursuing its arguably dubious and questionable interests presents a range of important questions that must be addressed and assessed further here.

Prior to elaborating more so on the utilisation of PMSCs throughout US foreign policy however it is necessary to first distinguish between a PMSC and a mercenary and to establish a working definition of a PMSC before tackling the papers core argument. Initially, defining and distinguishing mercenaries will be of use given that definitions of them, while restrictive, are at least present to some degree in international law unlike PMSCs. The main example which sets out what constitutes mercenaries in a legal sense internationally is the "*United Nations: 44/34. International Convention against the Recruitment, Use, Financing and Training of Mercenaries Article 1*". This convention establishes a number of premises upon which one can successfully define whether or not an individual is in fact really a mercenary or not; in order for this to be accomplished however an individual must meet all of the established criteria within this convention which is in itself no straightforward undertaking (UN,1989).

It is possible to determine two enduring and discernible facts that have always applied to mercenaries. Firstly, mercenaries are hired *specifically* to fight and assume a directly active role in the hostiles of an armed conflict and second, they will do so purely on the basis of personal and material gain derived from fighting. Though this UN convention purports to deal with the issue of mercenaries in a legal sense and establishes some definitional boundaries to tailor for such, it is in reality exceedingly difficult to actually prosecute any individual on these grounds because you have to prove in a court of law that an individual meet's all of the conventions stated requirements in article 1. Additionally, the convention's vague language and its failure to account for or even mention PMSCs is highly problematic because PMSC activities are not subject to the scrutiny of this convention as

PMSCs are not technically mercenaries legally speaking. Thus, none of the above mentioned UN criteria applies to the actions of PMSCs (Gómez del Prado,2012). In light of this reality PMSCs exist in an inherently grey legal area; this fact in itself likely stands as a major reason underpinning their widespread utilisation by actors like the US in cases such as Colombia.

Concerning the matter of defining PMSCs, despite the glut of attention lavished on this topic in recent years there is still no common definition, typology, or understanding of what a PMSC exactly is and who qualifies as a member of the PMSC industry (McFate,2014:10). Consequently, there exists a great many different connotations used to determine and pinpoint these firms all of which sows even further conceptual ambiguity and confusion. Some of these terms in current circulation include: private military contractors, private security companies, private military companies or firms, private military and security companies (PMSCs) and military service providers (McFate,2014:10). For the purpose of this paper and in the interests of achieving some clarity however I will rely upon the all-encompassing *PMSC* term on account for the wide range of services that these companies provide to clients such as the US government. In seeking a working definition of PMSCs, Peter W. Singer in *Corporate Warriors (2008)* formulated perhaps one of the more substantive definitions of PMSCs that is of the most utility to my assessment here. Singer defines private military firms (of which I have incorporated under the wider PMSC umbrella for this paper's assessment) as "*private business entities that deliver to consumers a wide range of military and security services, once generally assumed to be exclusively inside the public context*" (Singer, 2008:8).

Building on Singers assessment, McFate (2014) goes further and highlights four factors which aid in seeking to secure a more comprehensive definition and understanding of PMSCs for purposes of clarity and context; these will be presented as follows. Firstly, PMSCs are motivated more by profit than politics, this is perhaps the closest similarity between PMSCs and mercenaries (McFate,2014:13). Secondly, PMSCs are structured as multi-national corporations (MNCs) and openly participate in the global economic system just like any other MNC (McFate,2014:13). Thirdly, PMSCs are expeditionary in nature, meaning they usually only work in foreign lands. Firms such as DynCorp, Vinnell or MPRI for example would not generally operate in the US under the auspices of national security, rather they would undertake their work abroad on behalf of Washington as per their contractual arrangements

(McFate,2014:14). Fourthly and finally, PMSCs typically deploy force in a militaristic manner as opposed to a law enforcement one. This characteristic intrinsically affects how they operate as military force is concerned with defeating or deterring the enemy through the lethal application of organised violence, whilst law enforcement generally seeks to de-escalate violent situations (McFate,2014:14).

With these factors in mind, the overall structure of this paper will be as follows. The first section will comprise of three elements; firstly, a review of the gap in the research; secondly an assessment of the wider body of research through the literature review and thirdly, a review of the methodology. The fourth section introduces this paper's primary focal point of analysis; that being an assessment of the main drivers of US foreign policy in Colombia and how PMSCs are intrinsically tied to this. In this section, I will provide a brief background to US activity in Colombia and the wider Latin American region as a whole for purposes of context before then assessing US interests in Colombia. Following this, I will investigate the role of PMSCs and how they have are valuable with regards to supporting Washington's wider efforts to realise their objectives Colombia and assess the overall importance and significance of this. The fifth and final section will bring forth and present the paper's concluding remarks.

[2] Gap in the Research and Literature Review

“Mercenaries and auxiliaries are useless and dangerous. If a prince bases the defence of his State on mercenaries he will never achieve stability or security” (Machiavelli, 2004:51)

Concerning the gap in the research on PMSCs and US foreign policy in Colombia it would be beneficial firstly to elaborate more on how the utilisation of PMSCs ties into notions of US foreign strategy and efforts by Washington to advance its wider international interests. Strategic IR analysis is lacking, particularly that highlighting the potentially questionable nature of US actions and policies as well as how PMSCs tie into these situations. Stokes (2005) has demonstrated the questionable nature of US policy by arguing that Washington has long supported a pervasive campaign of Colombian State terror, particularly through the WOD and WOT. Stokes posits that US military aid and training for

Colombia is designed specifically to maintain the pro-US Colombian state and continues to destroy any threats to US economic interests whilst preserving the strategic access to sources of non-Middle Eastern oil (Stokes,2005: ii).

While Stokes (2005) addresses the potentially questionable nature of US policy, his assessment of Washington's actions in Colombia does not shed much light on the role that PMSCs have played in working towards achieving and realising these US interests. Hence, it is imperative to foster greater attention to this aspect concerning the role of PMSCs in US foreign policies. PMSCs in Colombia are important to highlight because these companies have become an entrenched feature of many States foreign policies like those of the US and are being increasingly relied upon to assist in the pursuit of their national interests in lieu of conventional military forces. Though the literature and research concerning these topics of PMSCs and US interventions in instances such as Colombia is expansive it would be beneficial to conduct a more in-depth assessment on how and why the use of PMSCs by the US specifically feeds into Washington's efforts to advance its own interests.

Concerning the reasons underpinning the use of PMSCs, there exists a number of factors contained within the literature that may help to explain these. Initially, factors related to the use of PMSCs in a more general sense revolve around notions of enhanced flexibility, effectiveness and overall cost savings. These are applicable to a variety of cases even to those instances outside of the PMSCs industry itself and will often factor into the decision makers rationale. However, for the purpose of this paper it pays to target reasons that are more specific to the US context. For instance, Cusumano (2016) advances several factors pertaining to Washington's decision to deploy PMSCs by drawing on the cases of the Afghanistan and Iraq Wars, I will elaborate more on these now. Firstly, they entail the application fewer domestic constraints and impediments (both political and public; secondly, casual sensitivity plays a role as the US government and public alike care far less about PMSCs in comparison to their uniformed military forces; and thirdly, that Congress has over the decades since the Vietnam War frequently limited the deployment of uniformed military troops to overseas operations (Cusumano,2016:97). In sum, the factors underpinning the utilisation of PMSCs regarding enhanced flexibility etc in addition to those more specific reasons attributable to their use as outlined by Cusumano (2016) are all beneficial with regards to shedding light on to the rationale underpinning the utilisation of PMSCs and help towards establishing a more solid analytical foundation to assess this important issue further. Despite this however, there still lies more room to elaborate on why the US has used them so

extensively in the Colombian case as this not only sheds more light on US policy action in relation to Colombia.

Secondly, it is apparent based on assessing the body of literature that it is the State, or more specifically in the US context, leading figures within the Executive / Washington, that controls the decision-making process governing the use of PMSCs. It is also possible to establish from the literature that in the circumstances surrounding decisions to use PMSCs, the legislative (Congress) is very much limited in its ability to effectively monitor, check and limit instances of PMSC use. Despite the similarities between PMSCs and uniformed militaries in terms of their strategic and operational capabilities it is still relatively straightforward for the Executive to hire PMSCs to fulfil whatever objective(s) are deemed necessary to achieve with the knowledge that neither Congress nor the general public will be able to interfere significantly in the process. To reiterate again, this may well further suggest that PMSCs in the US context represent an extension of the existing US foreign policy and military apparatus, albeit and indirect one. Consequently, it is necessary to focus more on this issue of PMSCs representing yet another force and means which the Executive can rely upon to advance its interests largely unhindered and without scrutiny. This is made more significant when one considers that this practise of relying upon PMSCs to undertake these kinds of operations will likely remain a firm feature of future US foreign policy making and it is especially unlikely that the practise will be drawn back under any future administration's, whether they be Republican or Democrat (Isenberg,2017).

Thirdly, while it is no secret within academic and scholarly circles that PMSCs have been utilised extensively in Colombia, research has often tended to focus on very specific aspects of PMSCs within this case, this includes their impacts on human rights and possible implications vis-à-vis the application of international humanitarian law (Perret,2012) or relates to more analytically based policy reports documenting the various roles of PMSCs. For instance, (Mejia,2016) conducted an assessment on the effectiveness of PMSCs through Plan Colombia and (Eventon & Bewely-Taylor,2016) who looked into PMSCs and their specific role concerning aerial fumigation missions against coca plantations. Though these analyses are all credible and insightful, particularly with regards to my own personal assessment, the fact remains that there lies more room to address the use of PMSCs by the US in Colombia in a more critical setting and to evaluate how and why these companies have been used to create the foundations upon which Washington has worked to promote its various interests.

With the gap in the research in mind, it now pays to address the overall body of literature concerning the topic of PMSCs. Firstly, in assessing the use of PMSCs throughout US foreign policy it is evident based on the analyses of Kidwell (2005), Singer (2008) and Marple (1992) that privatised military forces have been a feature of almost every major US military engagement, both historically and up to the present day. Kidwell (2005), Marple (1992) and Singer (2008) all posit that the US reliance on private military and security contractors has indeed fluctuated over time, both for the US as well as other States internationally. It is also a commonly held belief that although the current state of PMSCs today is of a far greater magnitude than in the past and that the demand for their services is at a highpoint, this reliance is sure to increase in the future as the firms who operate in this market continue to grow and diversify while the legislation and regulation that should curtail such has not kept pace with this burgeoning industry.

Kidwell's assessment draws primarily on historical instances and current trends of private contractors supporting US military logistics. She highlights that private actors / contractors in some shape or form have been used throughout US history, dating as far back as its own War of Independence against the British Empire in 1775-1783. Kidwell presents that the first instance of private contractor use by the US was in 1781 and primarily involved private actors providing the US continental army with logistical support (Kidwell,2005:10). Furthermore, Kidwell's argument advances a common theme painted across the body of literature on the subject mirrored by other prominent scholars such as Singer (2008) concerning rationale underpinning the use of private companies in warfare, that being; PMSCs are utilised in efforts to increase efficiency, enhance flexibility and to reduce the wastage of resources (Singer,2008:11).

Marple (1992) examined two programmes during which the US military employed mercenaries in East Asia more recently: The Philippine Scouts (Macabebes) during the Philippine War 1899-1902 and the Korean Augmentation to the US Army (KATUSA) in the Korean War of 1950-53. Marple concludes in his assessment that both of these programmes were "*extremely effective and important*" to US military and strategic operations, particularly owed to the fact that these programmes likely hastened the course and duration of both of these wars. Marple's study assumes a similar approach to Kidwell's concerning an assessment of the historical element of the use of privatised forces on the battlefield. While Kidwell focuses almost exclusively on the logistical side of private contractors assisting US forces in military operations, Marple's assessment includes instances in which private actors

were heavily involved in fighting on the front lines and playing an active role in combat activity in both the Philippine and the Korean War's. While Marple's assessment concerns events that occurred decades before the WOD & WOT had even begun, his work is helpful with regards to eluding to the extent of the use of privatised forces historically within the US context and importantly, accounting for the positive effects that privatised forces garnered to the US in those previous campaigns - such positive results may perhaps help to explain why the US relies upon the services of privatised forces in its more recent campaigns in places such as Colombia.

Secondly, it now pays to tackle the matter of the rise of the contemporary PMSC industry and global market for force. The rise and entrenchment of the global PMSC industry is not a disputed occurrence among academic and scholarly circles and a clear consensus is present on the issue. Prominent scholars such as Singer (2007), Leander (2005) and Isenberg (2013) all recognise both the industry's understandable origins and rise in the privatisation revolution of the 1980's, the downsizing of the military after the Cold War's end and in the evolving nature of the manner in which wars are fought. Similarly, the aforementioned authors also believe that the contemporary PMSC industry has firmly entrenched itself internationally and recognise that it plays a significant role in the foreign policies of many countries, especially those of the US.

Deborah Avant (2005) posits that a privatised global market for force has developed and that this industry has in its present form morphed into something else and bears little or no resemblance to the industry historically (Avant, 2005:2,3). Singer's (2007) analysis on PMSCs will assist in advancing claims raised by Avant (2005) and help with regards to highlighting the extent to which this industry has evolved into an entirely different entity from the industry preceding it. Peter Singer, arguably the most prominent scholar on the issue of privatised military force and contemporary warfare, argues that it is no longer possible for States such as the US too even contemplate waging war without the assistance of PMSCs given the massive role these companies play in assisting and enabling military operations. He continues and advances the claim that it is not possible in practical, financial or political terms to reverse this trend (Singer, 2007:3). Singer goes as far to say that PMSCs in the case of the Iraq War represent a situation whereby US operations might otherwise have been politically and practically impossible to undertake without the use of PMSCs; a similar situation too seems to apply to the Colombian case (Singer, 2007:3).

Thirdly, it is necessary to highlight the legislation and regulation of the PMSC industry. This is important to note because the current level of legislative and regulatory measures, both domestically and internationally, is insufficient. As a consequence, this makes it far easier for actors like the US to utilise these companies because Washington will not have to overcome many significant hurdles related to their deployment as the legal and regulatory measures are simply not in place effectively account for and check such activities. Again, there appears to be a broad consensus that the PMSC industry is significantly lacking in legislative and regulatory measures aimed at checking and limiting its actions.

Furthermore, it is also argued that efforts to regulate the industry pose some challenges. For instance, Percy (2012) posits that legislating and regulating the PMSC industry difficult due it being both agile and innovative, whilst simultaneously being able to respond swiftly to changing market pressures (Percy, 2012:960). Regulators at all levels have been stuck in often lengthy negotiating processes seeking to check and limit PMSC activities while the target of their regulation is rapidly changing in form and is often steps ahead of the regulators. Consequently, a string of inadequate regulation has been left in the wake of these actions which makes it more straightforward to actors like the US to continue relying on these companies to advance their foreign policies even in instances whereby Washington's actions are deemed to be suspect (Percy,2012:941).

Internationally speaking, Percy (2012) notes that the level and degree of legislative and regulatory measures seeking to check the actions and activities of PMSCs is negligible. The "United Nations Convention against the recruitment, financing and training of mercenaries" is the only convention that comes close to seeking to grapple with this issue; yet, this convention does not concern itself with PMSCs as it does not even mention them. In response to this issue, scathing criticisms have been projected towards this UN Convention, with some describing it as a "*law so weak that it has become commonplace to note that any mercenary who cannot exclude himself from this definition deserves to be shot – and his lawyer with him*" (Percy,2012:945). While other measures internationally do exist like the Montreux document – a Swiss initiative aimed at curtailing the PMSC industry, none of these have yet to become pieces of established international law. Consequently, the UN convention is the only substantive piece that exists internationally and this itself does not even directly

apply to PMSCs, meaning that states like the US may rely upon PMSCs with relative legal impunity internationally speaking.

Domestically speaking, legislation and regulation are also lacking across the majority of States. Whilst legislation is in place within the US to check these activities such as MEIJA and a congressional limit on contract funding, these measures in practice are not difficult to circumnavigate and hence do not serve as effective measures for checking and curtailing PMSCs. For instance, very few prosecutions have been made under MEIJA and only PMSC contracts exceeding \$50 million require Congressional approval. Thus, in effect, the Executive branch can essentially administer “small” wars such as those in Colombia without ever having to inform Congress or the American people as it can easily break up contracts so that they may total less than the \$50 million amount (Godfrey et al,2014:118) Ultimately, these measures are still lacking in effectiveness and they are not difficult to circumnavigate. As such, these have done little with regards to actually checking and limiting PMSC activities (NDA,2008: 251).

Fourthly, the final issue to draw attention to refers to the issue of accountability in the PMSC industry. Actions of the PMSC industry are often notoriously difficult to hold to account effectively. Part of this is owed to the lack of effective legislation and regulation as previously mentioned, but much is also attributable to more practical concerns. As (Percy,2012) has argued, measures aimed at checking their actions include little or nothing to physically investigate or sanction violating companies, directors or employees (Percy,2012;955). Percy concedes that accountability is difficult to ensure because firstly; there is a distinct lack of effective legislation, regulation as well as rigorous self-regulatory frameworks in place, and second; that even in instances whereby legislation does exist, it is even more difficult to physically monitor PMSC activities on the ground. This fact is particularly evident in the Colombian case owed to its challenging geography and topography as well as its violent nature as many parts of the country are simply too dangerous for journalists and investigators to visit due to the threat of kidnapping or death for instance (CPJ,2017).

Another way to highlight the difficulties involved in ensuring the accountability of PMSCs practically is by drawing on Clausewitz’s notion of the “fog of war”. Paraphrased as: *‘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', Clausewitz posited that the conduct of warfare is an inherently uncertain endeavour whereby one of the only certainties is its intrinsic uncertainty(Clausewitz,1989:120). Whilst he was not writing about PMSCs specifically, it is beneficial to draw upon his analyses and to apply them to this papers research question because the presence of PMSCs in cases such as Colombia only seeks to increase uncertainty and confusion already present in conflict and war because of the inherent difficulties that lie in seeking to account for PMSCs actions.

[3] Methodology

The research for this project will be qualitative, rather than quantitatively based. Much of the body of research stems from both primary and secondary sources, including books, journal articles and policy papers and reports. This will be case study based, drawing primarily on the United States use of PMSCs throughout its War on Drugs (WOD) and War on Terror (WOT) in the case of Colombia specifically. The Colombian case is a relevant study for further assessment for a number of reasons. Firstly, in purely practical terms it is not feasible to focus this paper's assessment on more than one case study due to word limit constraints. It is more beneficial to centre this papers assessment on a single case as in doing so, I will be better able to properly elaborate on the various ambiguities and intricacies that surround the issue of PMSC use by the US in this specific case. Secondly, Washington has consistently maintained an interest in Colombia since the 1960's. This interest peaked at the onset of the WOD in the 1980's under the Reagan administration over fears that the production and trafficking of cocaine would threaten the security of the United States as drugs were akin to the threat of "enemy planes and missiles" (Crick,2016) . This war against drugs has continued to be an important factor for justifying US activity in Colombia for decades and has only expanded in more recent years, the WOT served to enhance this existing practise of US interventionism.

Thirdly, following on from the WOD, the WOT under the Bush jr. administration's attention and strategic focus also came to encapsulate Colombia as a number of armed groups operating in Colombia at the time came to be deemed by the US as promoters of terror (namely FARC and ELN). Consequently, this had the effect of both continuing and enhancing the legitimacy of and mandate for US interventionism within the country, of which

resulted in the continuation of US PMSCs operating within the country to achieve Washington's objectives in lieu of uniformed military forces. Fourthly, and perhaps most importantly, Washington's policies of the WOD and WOT are both heavily militarised and each of these have witnessed the extensive and widespread utilisation of PMSCs in efforts to achieve their necessary objectives. The majority of US efforts on the ground in Colombia have relied upon the efforts of PMSCs to work towards achieving the relevant objectives of Washington, objective that are in the eyes of many overtly imperialistic and are widely heralded as seeking to serve the needs of the minority at the expense of the majority. Furthermore, this is a case whereby the United States military was limited in its ability to undertake operations to achieve these objectives. Following a national security decision directive in the 1980s, the US military had to assume a position limited to a support role from early on, hence, PMSCs represented the only favourable option for the US to pursue its interests in Colombia on the ground.

Finally, Washington maintains a series of interests within both Colombia itself encapsulating political, strategic and economic factors in addition to the wider South American region as a whole. Colombia represents an important State for the United States in a region that is generally opposed to US foreign policy making on account for a number of factors historically, particularly from post-WWII. Colombia is thus a relevant and beneficial case study to focus on for this paper because it corresponds to a number of important avenues in which I am seeking to address further

[4] Driving Factors Underpinning United States Foreign Policy and its Utilisation of PMSCs in Colombia

[4.1] Historical foundations of militarised US Foreign Policy towards Colombia and Latin America

Throughout history the US has consistently harboured and maintained vested interests in Latin American affairs and fomented what can be best described as a patriarchal relationship with the region that has endured since the 19th century (Tayebaly,2016). It is perhaps of no surprise that this mentality has profoundly influenced Washington's foreign policy measures in countries within the region as a result of this longstanding militarised and imperialist

modus operandi. The United States long standing relationship with and intervention in Colombia has sought to stabilise a wide-ranging set of given ideological, economic, political and strategic arrangements that have been perceived to be within its best national interests (Stokes,2008). This geopolitical relationship began with the adoption of the “Monroe Doctrine” in 1823, an eponymous doctrine which asserted that the US military would intervene in any perceived attempt by a European country to “interfere” in Latin American affairs, this essentially established the notion that Latin America stands as the United States “back yard” so to speak (Wojciak,2014).

While there have been a number of stages of US intervention within Colombia in more recent decades such as JFK’s commitment to fighting Communist infiltration and subversion throughout the 1960’s, the stage that is of most importance to this papers question is NSDD 221 introduced under the Reagan administration because this measure established the course of militarised US policy towards Colombia that has remained up until the present day albeit in an inherently privatised medium. The instatement of National Security Decision Directive 221 (NSDD) in April 1986 is particularly important with regards to US policy action and this paper’s focus because it paved the way for the militarisation of Washington’s policies regarding the narcotics and terror issue in Colombia and set the stage for the widespread utilisation of PMSCs to tackle the narcotics and insurgency issues. NSDD 221 states that: *“The international drug trade threatens the national security of the United States by potentially destabilizing democratic allies. It is therefore the policy of the United States, in cooperation with other nations, to halt the production and flow of illicit narcotics, reduce the ability of insurgent and terrorist groups to use drug trafficking to support their activities, and to strengthen the ability of individual governments to confront and defeat this threat”* (NSDD,1986:2).

NSDD 221 legally and politically sanctioned the expanded role of a more extensively financed and militarised approach to the drug war and there existed certain provisions within this directive that curtailed overt US military involvement within Colombia (Menzel,1997:40). The most important provision stated was that conventional US military operations were to be limited to support functions only, with no premeditated direct involvement in potentially lethal confrontations with actors which could lead to undue injury or death to military personnel (Menzel,1997:40).This final provision is of most significance to my question on PMSCs and their use in US foreign policy primarily because this provision contributed towards creating a scenario whereby the use of PMSCs has been critical with

regards to enabling Washington to advance its interests because the US military itself was constrained in its ability to act within Colombia due to the limitations that this provision placed on their deployment.

[4.2] Plan Colombia

Following from this, “Plan Colombia” represented an escalation of the efforts by Washington to increase its commitment to fighting its WOD and WOT within Colombia in defence of its national security and in the promotion of US national interests styled in accordance with the severity of the narcotics threat as established under NSDD 221 (Tate,2014). Plan Colombia stands out as one of the most important developments regarding the conduct of the war against drugs and terror in recent years and this measure embodies the inherently militarised approach to US policy making in Colombia and throughout the Latin American region as a whole (Amatangelo,2005). Moreover, it was tailored to make full use of PMSCs to work towards achieving its objectives, hence its relevance with regards to my central research question as this plan has acted as a major conduit for PMSC activity and wider interventionism by Washington (Scott,2003:71).

The Colombian government developed Plan Colombia as an integrated strategy to meet the country’s most pressing challenges and needs, those being; the promotion of peace, combat the narcotics industry, reviving the Colombian economy afflicted by years of conflict and internal strife, and strengthening the democratic pillars of Colombian society (Felter & Renwick,2017). However, under pressure from Washington and Colombian elites over the perceived narcotics threat, the programme morphed into an inherently militarised strategy that catered little to matters of strengthening the nations democratic pillars and institutions and was instead concerned more with combating leftist guerrillas and their alleged ties to the narcotics trade (Franz,2016:564). Through Plan Colombia, Colombia has received in excess of \$10 billion USD from the US in mostly military aid, a significant amount of which went straight into the coffers of PMSCs (GI,2016:2). An especially important aspect of this with regards to my research question was that much of the military aid and funding was sent directly towards PMSCs as it was they whom constituted the lynchpin of Plan Colombia and Washington’s overarching strategy (Peet,2004:220).

[4.3] Complexity of Colombian Case

The intrinsic complexities of the Colombian case are important points to elaborate upon for several reasons. Firstly, Washington and Bogota have attributed much of the blame on drug production and trafficking on certain select groups, primarily the FARC, whilst simultaneously neglecting the actions of other groups who too have deep connections to narcotics and perpetuating acts of terror. The types of groups often neglected by Bogota and Washington have included far-right paramilitaries such as the AGC (formerly the AUC) who themselves are far more involved in the narcotics trade than those groups originally associated with narcotics such as FARC(Chomsky,2016).This adds a degree of complexity to the case because it suggests that Washington and Bogota are firstly, choosing sides and essentially providing preferential treatment of some of the actors in order to gain the advantage over other groups whose interests are not aligned with their militarised and neoliberal mind-set. And second, that US policies may not be about tackling the issue of narcotics and the spreading of terror while seeking to promote democracy at all because vowing to tackle violent leftist groups like the FARC whilst neglecting the actions of groups like the AUC who are known to be even more violent and involved in trafficking narcotics than the FARC is somewhat counter-intuitive and suggests that ulterior motivations are at play in the Colombian case.

Furthermore, Washington has long maintained that the FARC have made huge profits from the narcotics trade and that they use these profits to finance their armed struggle against the Colombian state (Stokes,2007). Yet, while it is correct to establish that FARC was responsible for some taxation of the coca trade, there is little to indicate that leftist guerrilla groups like FARC were actually processing and trafficking cocaine themselves to any significant degree; this appeared to lie firmly within the hands of far-right paramilitaries and other independent traffickers whom neither the US nor Colombian security forces have been majorly concerned with combating. The AUC for example, perhaps the country's most notorious far-right paramilitary group owed to its extreme brutality was itself very open about the fact that roughly 70 – 80% of their funding originated from the drug trade through trafficking, taxation and the production of coca, yet rather than opposing their actions Washington and Bogota have utilised this group to combat far-left groups like FARC (Stanford,2017).

Secondly and following on from the previous point, Washington's own ambiguous objectives contribute towards sowing greater confusion because its interests vary between what its official pronouncements purport to achieve in relation to what is transpiring on the ground. One example highlighting such is that Washington has claimed to intervene to reduce the production and trafficking of illegal narcotics from Colombia. While this is the official discourse championed through the likes of policies such as the WOD, these officially stated aims do not entirely add up in light of the fact that the volume of drugs imported into the US has not decreased significantly and that in some instances drug production, trafficking and violence have increased as a direct consequence of Washington's actions(Chomsky,1998).Another example highlighting this is that official US proclamations purporting to promote democracy, enhancing living conditions and increasing overall economic prosperity in the country are also somewhat ambiguous and little evidence can be found of Washington actually pursuing these in practice aside from in name. Rather, these aforementioned proclamations appear to serve merely as convenient public justifications for Washington's intervention in Colombia and it is apparent based upon further assessment that Washington harbours a range of other interests and motivations that serve to drive its actions in Colombia of which I will address later in this paper.

Thirdly and finally, PMSCs as actors themselves complicate matters on account for both their inherent characteristics and in the circumstances pertaining to their deployment and utilisation. This is because of the fact that firstly, the use of PMSCs blurs lines of accountability because it is often difficult to practically ascertain who is directly responsible for the actions undertaken by them during operations. And secondly, PMSCs are by definition private entities and are inherently opaque organisations and as such they are under no legal, ethical or moral obligations to make their activities known to the general public or even the governments who hire them. Consequently, this greatly enhances the opacity of US operations in cases like Colombia as much of what goes on is hidden from view and independent scrutiny and hence adds a degree of complexity because it is simply difficult to accurately ascertain what is happening on the ground. This fact in itself likely stands as an important reason underpinning the extensive use of PMSCs by Washington in Colombia and elsewhere across the globe as the ability to conduct operations in a more covert and opaque manner is always favourable from operational, strategic and political angles. With these factors detailing the various complexities associated with the US and the Colombian case, the following section will concern itself with the primary focal point of analysis and assessment

for this paper, that being, seeking to address the primary drivers of US foreign policy and its use of PMSCs in Colombia.

[4.4] Primary factors driving US foreign policy and Washington's utilisation of PMSCs in Colombia

i. Ideological Drivers

Firstly, ideological drivers stand as an important factor to consider when assessing the reasons underpinning the United States intervention and use of PMSCs in Colombia. Washington's interventionism in Colombia has been motivated by the necessity of striving to uphold both the preservation of the Colombian state and its society whilst simultaneously advancing core democratic values, ideals and institutions through the policy of democracy promotion. This policy has been consistently reflected and re-affirmed by successive US government administrations and has been pinpointed as a primary US goal and driver underpinning US intervention within Colombia (Walker,2008:156). For instance, speaking before Congress in March 2001, General Peter Pace, the head of US Southern Command, stated that *"this is a fight for democracy in Colombia, to support that democracy."* Additionally, he declared that by providing huge sums in aid to the Colombian government, that the US was "supporting a fellow democracy while we also assist ourselves." (Walker, 2008: 156). An important aspect of Washington's ideological commitment towards building and preserving democracy in Colombia in recent decades in accordance with this longstanding policy motivation has been through Plan Colombia as it was this programme that vowed to strengthen Colombia's democratic pillars and institutions and to provide Colombia's security forces with the necessary equipment, training and support to tackle actors like FARC whom challenged its democracy most (it was also this programme that provide the necessary financial capital to pursue these commitments) (Marsden,2000).

Washington has officially purported to maintain longstanding and vested interests in upholding and strengthening the Colombian state and its democracy because the US believes that it is its moral duty to promote and support the same sacrosanct democratic values and ideals that itself espouses to in other countries outside its own borders like Colombia in keeping with Washington's own ideological stance, this has been consistently reflected by the likes of Presidents and administrations of Clinton and Bush Jr. However, in order for this

official policy of democracy promotion to be fulfilled in Colombia Washington has deemed it necessary to tackle nefarious and anti-democratic forces operating within Colombia because it is they whom represent the greatest challenge to Colombian democracy and thus by extension, US interests. As stated earlier, the primary targets throughout this period have been leftists such as the FARC and ELN, with FARC (prior to their ceasefire in 2016) being of the most significance given their size, strength and ability to challenge the security and stability of the Colombian state and wider US interests(Brodzinsky,2017). The manner in which these nefarious forces like FARC and ELN have threatened the sanctity and security of Colombia's democracy has come in a variety of damaging and disruptive forms including the murdering legislators, kidnapping political candidates and interfering in national elections (Goebel,2003:13). Consequently, it was deemed necessary by the legitimate administrations in Bogota and Washington that these anti-democratic and Marxist guerrillas be defeated, largely through the assistance of PMSCs, so that the survival of the democratic Colombian state and its peoples may be ensured (Romaniuk,2017:167).

Another point related to ideological motivations aside from a commitment towards promoting democracy relates to the inherently negative effects that narcotics stemming from Colombia have, or are perceived to have on the US itself. President George Bush Sr himself declared in 1989 that the "*gravest domestic threat facing our nation today is drugs*" (Tate,2014).Hence, Washington in accordance with declarations like the aforementioned has been able to capitalise on the perceived severity of the distribution of these narcotics within its own society and has utilised this as a means to legitimise interventionism abroad in places like Colombia by way of tackling the problematic issue of narcotics at the source.

This ideological discourse and approach to policy making has remained firmly entrenched in the official pronouncements and actions by Washington for decades. However, while this ideological discourse of democracy promotion and commitment towards tackling narcotics for societies sake has remained a key feature of Washington's official Colombian foreign policy rationale, it is evident based on a broader assessment of US foreign policy activity and the literature surrounding it that Washington has been driven to intervene in Colombia for a host of other reasons outside of this ideological remit. Arguably, it could be said that these ideological drivers served the primary purpose of acting as a façade masking the true drivers and intentions of Washington's Colombian motivations that are instead rooted in strategic and economic spheres.

ii. Strategic Drivers

Secondly, strategic drivers constitute an important set of determining factors that have governed US interventionism and PMSC use in Colombia. The importance of Colombia and the wider Latin American region to US hemispheric security and prosperity has long constituted the basis upon which Washington's strategic attitude and actions have been directed towards. As highlighted previously the US has maintained vested regional interests since the Monroe Doctrine in 1800's and this hemispheric and strategic interest has remained up until the present day. Senator Roy Blunt (R-Mo.) highlighted this fact well in May, 2017 when he purported that "*Colombia is a critical partner in achieving a secure and prosperous Western Hemisphere, a necessity when countries like Venezuela are teetering on the edge of collapse*" before ultimately surmising that "*Supporting Colombia is an investment in U.S. security*"(Wilkinson & Kraul,2017).In accordance with this, a major driving factor underpinning the course of US foreign policy in Colombia then has been one strategically orientated in nature and is geared towards facilitating the creation of a more stable social, economic and political situation in Colombia and by extension Latin America (Stokes,2006:16).

A core institutional feature of this is the "US military's Southern Command" (USSOUTHCOM), a regional military apparatus that strives to "*influence, assure friends, and to dissuade potential adversaries*" while promoting a market stability "*through training, equipping, and developing allied security force capabilities*" (Stokes,2006:13). USSOUTHCOM plays a vital role in fostering and nurturing the security forces of Washington along with its allies and partners to enable them to govern throughout the region and to ensure their ultimate survival against nefarious elements that may seek to damage the neoliberal peace and status quo. While the dynamics of the Cold War have shifted away from the US official commitment vowing to combat Communism towards another set of seemingly ambiguous threats, namely fighting narcotics and terror; the United States is still motivated by the same atavistic desires to exert its control and influence over smaller states such as Colombia as it has done before throughout its history; one of the most notable ways in which it is now seeking to achieve this is through the effective utilisation of PMSCs. Contrary to official proclamations by figures such as former President Clinton seeking to "promote democracy" in Colombia, one could argue that Washington's Colombian policies have been guided not by these presumably noble and morally superior courses of action, but instead driven and motivated by an inherently realist rationale aimed towards solidifying the United

States grip over Colombia and the wider Latin American region largely by relying upon the use of PMSCs to assist in the creation of a favourable environment that is conducive to these needs and interests. The US is therefore concerned with ensuring the survivability of Colombia and its ruling elite through its privatised interventionism because this facilitates a situation whereby Washington is able to leverage a far higher degree of influence and control over Colombian affairs through economic, political and strategic mediums. Hypothetically, if for example the FARC or ELN were to successfully achieve their objective by assuming control of the Colombian State through their armed struggle, this group would not by any measure work alongside or support the actions of the United States. Rather, the FARC or ELN would be vehemently opposed to Washington's agenda whom it views as inherently imperialistic in nature (Wojciak,2014).

In sum, the strategic importance of Colombia for the United States was sententiously expressed in the US General Accounting Office (GAO) report(Šrámková,2012:56): *“Colombia is a long-time ally and significant trading partner of the United States and, therefore, its economic and political stability is important to the United States as well as to the Andean region. Colombia’s long-standing insurgency and the insurgents’ links to the illicit drug trade complicate the country’s efforts to tap its natural resources and make systemic economic reforms. Solving these problems is important to Colombia’s future stability.”*(GAO,2004:27).Ensuring the facilitation of these strategic Colombian and hemispheric ambitions then are the of the most significance for Washington and the various ideological, ethical and moral considerations pertaining to the strengthening of Colombian institutions, democracy and human rights do not in reality factor in substantially into the decision-making process governing this. Rather, these official pronouncements relating to matters of promoting democracy have merely served as convenient public justifications for US intervention under the auspices of militarised policies such as “Plan Colombia” under President Clinton (2000-2006) and George W. Bush’s “Andean Regional Initiative” (2008 – 2010). Essentially, these are all akin to a façade with which the true intentions for US engagement are masked behind these ambiguous and positively sounding policies (O’Connor,2013).

iii. Economic Drivers

Thirdly, ideological and strategic matters aside; another significant motive underpinning US interventionism in Colombia corresponds to economic drivers. Economic drivers are

often present in the rationales and motivations of US foreign policy decision making and while this may appear an obvious statement, the fact remains that countries ultimately pursue foreign policies because they desire to receive some sort of tangible benefit from their efforts and this is often commercially or economically orientated. Regarding US policy measures, Edward Herman has found that US aid carried out through programmes such as Plan Colombia in this instance correlate very closely with an improved environment for US business endeavours (Hutt,2015). In accordance with this, it is favourable for the US to intervene in places such as Colombia with the objective of aiming to improve the commercial and economic environment there because in doing so, the US may be better able to take advantage of this climate and receive tangible commercial and economic benefits. This point is particularly relevant with respect to the Colombian case especially when one considers that the Colombian economy has immense scope to grow and it currently stands as one of the most promising emerging markets in the Latin American region(Bajpai,2015).Hence, the potential for the US to take advantage of this fact is present and likely stands as an important driving factor behind its sustained practise of privatised interventionism through its effort to help facilitate these commercial and economic opportunities in keeping with Washington's Neoliberal agenda.

Economically speaking, the principle drivers underpinning US intervention are related to Washington's desire to ensure that Colombia's economy remains neoliberal and that the security and political situation there remains relatively stable, this is the case for two main reasons. Firstly, a neoliberal Colombia entails that its economy is more accessible and favourable to US imports and investments. And secondly, in order for the benefits of this economic situation to come to fruition for the US, it is necessary for the US to intervene on the basis of seeking to ensure a greater degree of security and political stability in Colombia by combating the armed actors within Colombia whom challenge this neoliberal status quo and import/investment climate most. Safeguarding Colombia's neoliberal status and tackling the armed leftist actors who threaten this stability, namely FARC and ELN, so that the US may garner economic benefits from its commercial operations within Colombia by nurturing conditions more favourable to US imports and US investments stands as a major driver underpinning Washington's decision to intervene and utilise PMSCs in Colombia. In assessing these economic drivers, I will focus firstly on US imports and secondly on US investments, primarily drawing upon the case of oil as this is a particular area of concern to

US policy makers given its vital economic and strategic significance as a natural resource (CIA,2017).

The first economic driver underpinning US intervention in Colombia concerns the importance of ensuring the accessibility of Colombia to US imports. An important element of this as mentioned previously pertains to bilateral free trade agreements, one such example is the “United States – Colombia Trade Promotion Agreement 2011” which contains provisions concerning the elimination of duties (i.e. taxes) on some 80% of US imports of agricultural, consumer and industrial products into Colombia(US Dept.Of State,2015:21). This is beneficial and hence stands as a driver underpinning US intervention because a reduction on duties& taxes increases the potential profit margins for US companies seeking to import goods into Colombia as the cost of importing these US products into the Colombian market is significantly reduced (US Dept. Of State,2015:3).Furthermore, another way in which US companies can benefit from this trade and import arrangement is that subsidised US products, particularly concerning agricultural goods like wheat, have the effect of undermining domestic Colombian products due to the influx of US goods driving the prices of domestic Colombian goods down(O’Connor,2014).Again, this is of a benefit to US firm’s due to the positive effects on their own revenue flows and increased level of corporate taxation flowing into Washington . Moreover, a more promising political and security environment increases the likelihood of the two countries forming and agreeing upon other economic arrangements in the future.

The second economic driver underpinning Washington’s decision to intervene and use PMSCs in Colombia corresponds to its desire to facilitate the creation of more favourable conditions for US investments within the country. Washington’s policies towards Colombia have facilitated a higher degree of legal, tax, and political stability within the country that have contributed towards positioning the country as one of the fastest growing economies in the Latin American region and as one of the most attractive emerging markets for foreign investment(PwC,2014:3).Furthermore, from the Colombian perspective, Bogota has aggressively promoted its country for external investment by implementing reforms that facilitate the inflow of capital from parties such as the US to actively encourage economic growth (Bajpai,2015). However, the most pressing challenge with regards to realising the country’s economic and investment potential is Colombia’s security situation because the presence of armed guerrilla actors like FARC and ELN hampers the potential to create favourable investment conditions most on account for their violent tactics often directed

towards US multinationals, hence the US has been driven to intervene on the basis of tackling this matter.

One such sector of the Colombian economy worth drawing upon further that is of particular concern with regards to US investment and represents one what would benefit from militarised intervention by Washington is the oil industry. The acquisition and control over the supply of oil has long been deemed a matter of vital interest for the US and hence stands as an important driver underpinning its interventionism in Colombia, this is the case for several reasons. Firstly, oil constitutes a major component of the Colombian economy and is and stands as an important indicator of its overall health, secondly; the US economy's own domestic reliance on hydrocarbon products like oil is huge and these products are crucial to the functioning of its own economy and thirdly; the oil industry represents one that has both seen sizeable US investment and has been consistently targeted by insurgent actors like FARC and ELN throughout their armed struggles and hence would benefit from a more stable security environment.

Colombian oil is of interest to the US because it contains an estimated 1.6 billion barrels of known crude oil reserves, which, at current extraction rates are expected to last until 2021(Colombia Reports,2017). However, because only 30% of the country has been explored and surveyed for oil the potential to discover more exists and some experts posit that the country may hold as much as 47 billion barrels given that it sits across two major South American oil basins (Valores,2016). Furthermore, other hydrocarbon products outside of crude oil exist as Colombia may also harbour an estimated 7 billion barrels worth of shale oil, the third highest amount of Shale in North and South America after the United States and Argentina(Shale Colombia,2014).On account for these factors it is evident then that there exists great potential in the Colombian oil sector given that sizeable reserves may yet be discovered and the US stands poised to benefit from this through its intervention (Goebel,2003:5).

Ultimately however, a prerequisite for enabling these benefits in oil and shale to be successfully exploited by US firms is that greater security and stability be ensured within Colombia so that commercial US oil ventures along with their Colombian counterparts can actually invest their resources, capital and time into Colombia so that they may benefit and profit from such with the knowledge that their operations will not be routine targets by insurgents. As mentioned previously, the actors within Colombia whom challenge this

neoliberal status quo and investment climate most are guerrillas like FARC and now the ELN. These armed guerrillas within Colombia have inherently negative effects in economic terms because their presence serves to deter potential investors whilst hindering existing commercial activities. Groups such as ELN are vehemently opposed to the presence of multinational corporations within their country and this is particularly the case with regards to the mining and oil industries, as such multinationals are regular targets of violent acts of aggression (Stanford,2017). One such example that is applicable to the context of the US and this paper is the Occidental Petroleum Corporation based out of Los Angeles, California who own a majority holding over and operate Cano Limon, Colombia's second largest oil field and oil pipeline in conjunction with Colombian firm Ecopetrol.

Occidental are most concerned with guerrillas such as FARC and ELN because it is these guerrillas that have continually harassed their commercial oil operations within Colombia largely through sustained pipeline bombings and employee kidnappings (Reuters,2017). Most recently, a series of bombing attacks by ELN in early 2017 have resulted in Occidental suspending a number of its Colombian drilling operations owed directly to the threat of this armed group against its employees, operations and profits as burst pipelines can incur costs anywhere up to \$2 million USD per day (Acosta,2017). In keeping with Washington's desire to facilitate more favourable conditions for US investments into Colombia such as Occidental's, Washington is therefore driven to intervene in Colombia and has decided to utilise PMSCs in efforts to help tackle these guerrilla forces like FARC and ELN as it is they who present the biggest challenge to both existing and prospective US investments, particularly that of oil. Thus, a significant driving force behind Washington's Colombian policies and its use of PMSCs to assist in realising these has been to combat and remove forces within Colombia whom challenge this neoliberal status quo and threaten the overall investment climate within Colombia which the US seeks to benefit and profit from.

It is also worth noting however that while numerous other armed groups continue to operate in Colombia including far-right paramilitaries and conventional drug traffickers, the fact remains that these particular actors generally do not directly challenge and threaten Colombia's greater economic and political system or target US commercial operations like leftist guerrillas do. Rather, these other armed actors are generally more concerned with profiting from their own illicit and nefarious commercial ventures such as drug trafficking, extortion and racketeering etc and likely stand to profit more from these if they avoid direct confrontation with the Colombian state, and by extension Washington.

Concerning the role of PMSCs, these privatised actors are significant in this arrangement because it was they have played a key role fostering more favourable conditions that are necessary for the creation of a better climate for US investments in Colombia. Acting on behalf of Bogota, Washington as well as US multinational corporations such as Occidental whose interests and operations require protecting, PMSCs have contributed towards creating a more stable and secure economic environment within Colombia. Much of this stems from their efforts in assisting and supporting Colombian security forces in their fight against leftist guerrillas such as FARC who have after decades of fighting been successfully disarmed and have halted their armed struggle. However, as mentioned previously ELN still remains active and have targeted oil facilities throughout the year so the favourable conditions for US investments have yet to fully materialise, though it beneficial that the largest group FARC have now declared a ceasefire and disarmed.

iv. Private Interests

Fourthly and finally, it is necessary to draw upon and address how private interests act as a driver behind US intervention in Colombia. Initially, an important factor with regards to private interests worthy of highlighting is the “Military Industrial Complex” (MIC), a phrase used to describe the comfortable relationship between elements of government and the defence industry comprising of arms manufacturers etc. The MIC is a formidable component of the US political apparatus and wields considerable influence over decision making processes, particularly those pertaining to US foreign policy making. While President Eisenhower first described the MIC during his farewell address in 1961 and thus did not account for the more recent emergence of PMSCs, the rise of the PMSC industry has led some to suggest that the original term “MIC” should be expanded upon to account for the growing emergence of PMSCs. Hughes (2007) has stressed of the rise of what he calls a new ‘security-industrial complex’; an industry ready-formed and able to offer a broad range of commercial solutions within the military and security spheres to cater towards matters of national and international security (Godfrey et al, 2014:112).

PMSCs are important in this instance because they serve to strengthen and represent an extension of the already existing military industrial complex by essentially granting it with even more capital, power and influence which in turn results in a greater likelihood of it influencing US foreign policy decisions as a direct consequence. Notable examples of this capital, power and influence materialising include lobbying, political campaign contributions

and influencing decision makers directly. Between 1998 and 2004 for example, PMSCs spent some \$214 million on political campaign contributions and almost \$1.9 billion on lobbying Washington (Pattison,2014:102). Additionally, a number of PMSCs maintain close ties to the political establishment in a manner not dissimilar from traditional defence companies; perhaps the most notable of these high-profile individuals is former CEO of KBR/Haliburton between 98'and 00', Dick Cheney, who also served as President Bush jr's Vice President. One by-product of this particular relationship between KBR and government was that KBR itself profited greatly from the Iraq War as it was awarded at least \$39.5 billion USD in federal contracts over the last decade (Financial Times,2014).

Another instance highlighting the role of how private interests may have influenced the decision-making process in Washington concerning its decision to intervene in Colombia concerns to Occidental Oil. As outlined previously, Occidental Oil partly owns and is responsible for drilling operations in Colombia's second largest oil field and pipeline, and the company's pipeline that transports that oil to the coast for export has been a routine target for leftist guerrillas over the years. As such, Occidental harboured considerable interest in and has influenced the creation and implementation of Plan Colombia because it was within its best interests to run its commercial operations in a more stable environment (COHA, 2005). In efforts for Occidental to meet and manage the challenge faced by this unsuitable Colombian security environment, the company has through "Occidental International Corporation" its Washington-based lobbying firm, spent some\$8.6 million USD to lobby US Congress for it to provide military aid to the Colombian government and its security services through Plan Colombia as this policy sought to improve security and stability within Colombia (CNS,2007).Additionally, Occidental has also made sizeable political campaign contributions, for instance in the 2000 election cycle they gave \$551,000 USD to both the Republicans and Democrats, a CEO from one of its chemical subsidiaries also gave \$100,000 USD directly to George Bush jr's bid for the presidency (PBS,2002).

In sum, while it is not possible to ascertain exactly how much influence Occidental has had on Washington's decision-making process in absolute terms because it is difficult to gauge how Occidental's funds may have actually translated into actual influence, it is fair to make the assumption that the company's efforts through lobbying and its political campaign contributions across the US political system have driven and influenced US foreign policy in Colombia to an extent. The same also applies to other company's part of the already existing military & security industrial complex of which PMSCs now constitute a part of because

these companies are engaged in lobbying efforts and also harbour close ties to government figures, often times at the highest levels in Washington.

[4.5] The Importance of PMSCs and US Foreign Policy making

With these factors in check, it now pays to elaborate more so on why the rise of this extensive practise of outsourcing privatised military and security functions and their adoption by countries as powerful as the US is so important. Firstly, it is essential to posit that decisions pertaining to the use of PMSCs in US foreign policy appear to be controlled almost exclusively by the Executive rather than the Legislative branch of the US government. Much of this is linked to the fact that the Executive branch of US Government / Washington is able to exercise far greater influence and exact more direct control over the execution of its foreign policies compared to its own domestic policies. For example, the US Constitution itself makes it clear that it is the President, not the House or the Senate, who must take the lead in American foreign policy decision making (Spring,2011:4). It therefore follows that the Executive is able to exact more control over the realm of foreign policy making on account these Constitutional arrangements. Furthermore, although the House and the Senate do exercise some checks and balances over this decision-making process such as the Senates “advice and consent” power (consulting and approving treaties) and the House’s control over the allocation of federal finances, the role played by Congress still remains secondary to that of the Executive in the realm of foreign policy making. Consequently, the President (and therefore the Executive) is able to exercise more direct power abroad compared to domestic affairs as they hold the ultimate position of Commander in Chief over the US armed forces and by extension the services of PMSCs.

This is especially important with regards to my question on PMSCs because the deployment and utilisation of these companies throughout US foreign policy are subject to significantly less of these checks and balances compared to those of conventional US military forces. Ultimately this has the effect of making these privatised forces far more accessible to the US Executive and their respective foreign policy agenda as the rules underpinning the use of PMSCs differs greatly to those imposed upon uniformed military forces, primarily in that they are far less substantive vis-à-vis PMSCs. Hence the Executive, through the utilisation of these companies appears to be circumventing the role of Congress (the legislature) and facilitating a situation whereby Washington is able to continue supporting its agenda internationally by simply outsourcing functions previously undertaken by the military even in

foreign policy operations arguably deemed as potentially suspect (Stokes, 2005). Consequently, this process is subject to far fewer checks and balances by essentially removing Congress from the decision-making processes. The implication of this is that the Executive is directing US foreign policy in a manner that facilitates the more effective advancement of its own direct power and interests in countries such as Colombia while simultaneously absolving itself from Congressional and public approval because utilising PMSCs allows the executive to circumvent the traditional systems of Government oversight and checks & balances and advance and pursues its interests in whatever manner it deems fit.

Secondly, with regards to the subject matter of International Relations more generally; the rise of the PMSC industry calls into question some fundamental twentieth-century paradigms concerning interstate warfare and conventionally held notions like the states supposed monopolisation on the use of force and coercive power. This point is significant when viewed in light of the late Max Weber's classic definition of the modern nation State, defined as; "*a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory*" (Weber,1919:397).In its ideal Weberian form, the State is the ultimate guarantor of the security of its citizens, both internally and externally of its borders, and defending its citizens through the necessary use of force is the ultimate responsibility of the State. This is the core of what is called the State's monopoly on the use force that itself stems back to the creation of the modern State in 17th century Europe (Wulf, 2011:137). The rise of PMSCs and this contemporary privatised market for force does not seem to correspond with Weber's foundational tenant of the modern State system because today, many military and security services once solely under the jurisdiction of government and State militaries are now increasingly offered on a competitive global market place in the privatised sphere largely independent from States and their control.

Following on, in recent decades on account for the onset of factors such as ever-expanding globalisation, transnationalism and privatisation, the State has arguably witnessed a marked reduction in its ability to command a monopoly on the use of militarised force. In accordance with this position one could propagate the idea that the State has indeed lost some its dominance and primacy, at least in relative terms, due to the rise of other forms of privatised violence that have now become increasingly prominent throughout the international arena. Forms of privatised violence that may be supporting this trend ranges from warlords, militias, rebels and organised criminal elements, through to modern mercenaries and corporate PMSCs; combined, all these various forms of privatised violence

have become increasingly engaged in armed conflicts internationally whilst acting independently from direct State control (Wulf,2011:137).

Though these aforementioned forms of privatised violence do formally operate independently from mechanisms of State control, they could theoretically be used to directly challenge the authority and sovereignty of a State in a very physical sense, this is partly what I intend to address in this paper through an assessment of this in reference to the United States. What is important with regards to this issue, particularly within the context of the US and this paper is that the US appears to be utilising privatised forces as a means of indirectly extending and expanding its own reach and capability rather than instead falling victim to a situation whereby privatised forces seek to limit and challenge its position internationally. Arguably, this process of a shift in military and security services from the state level to the private sector has taken place to the extent that this recent proliferation of privatised and profit-driven military and security actors such as PMSCs marks a clear shift in the modern conceptualisation and delivery of security which does not involve the state as the only unitary actor (Tonkin,2011:2). This phenomenon is perhaps best exemplified by the US because it has increasingly made use of PMSCs in efforts to advance and project its foreign policies throughout the globe via policies such as the War's against drugs and terror. Washington's longstanding intervention in Colombia where upon PMSCs have been utilised extensively to advance and safeguard its interests in lieu of conventional military forces represents an excellent example of this phenomenon and stands as a reason underpinning the further incorporation and entrenchment of privatised forms of organised violence into the United States position internationally.

Thirdly and finally, the nature of the PMSC industry is of importance on account of its inherent characteristics. The military, and by extension the PMSC industry whose employees are often ex-military, is very different from any other profession and is unique specifically because it comprises experts in the organised use of violence. Military professions and certain PMSC actors often deal in matters of life and death and the application of their craft has important implications concerning the rise and fall of governments and societies because of the military skills that they possess (Singer,2004:8). While this point is perhaps less substantive than the previous two in terms of length, it is necessary to highlight this important fact as the Executive can contract or hire these PMSCs who possess the capability to exact organised violence as simply as it can contract out more traditional administrative and non-military functions, the only difference being that actors trained in the execution of organised

violence stand a greater chance of causing disruption and turmoil on account for their inherent characteristics.

[5] The Value and utility of PMSCs to Washington's Foreign Policy in Colombia

With the primary drivers of intervention and the ultimate importance of PMSCs in US foreign policy in light of this established it now pays to address the value and utility of utilising PMSCs to advance these primary drivers for Washington in Colombia. Firstly, the use of PMSCs throughout Washington's foreign policy intervention in cases such as Colombia is valuable strategically because PMSCs have helped to allow Washington to maintain its military readiness in Colombia as well as the wider Latin American region. This is facilitated by ensuring that Washington's uniformed military forces are themselves have not tied down in counter-narcotics and counter-insurgency style operations in Colombia because Washington has instead relied upon the services of PMSCs to undertake necessary operations related to aerial fumigation, training and providing security.

Moreover, even if the US was able to circumnavigate troop deployment restrictions as outlined in NSDD 221 and commit its uniformed military forces to Colombia, this in itself would not be wholly desirable because this would have the effect of reducing USSOUTHCOM's overall strategic and military capability in the region as more US troops would be tied down in operations within Colombia rather than being available to face any potentially new and unforeseen events. Ultimately then, PMSCs are valuable because they have provided Washington with the necessary ability to advance its aims because they are able to fulfil a range of military and security functions as is required whilst being able to relieve the burden on the deployment of US military forces to allow them to maintain their own regional military capability and readiness.

Secondly, PMSCs are valuable to Washington because unlike conventional US military troops deployed in overseas operations like Colombia, PMSCs face significantly less scrutiny and are wholly less accountable from the general public, media and other branches of government. As detailed previously, it is far more difficult to hold PMSCs to account due to an array of complexities related to sub-contracting, an overall lack of transparency on the

company's part and the difficulties of not being able to effectively monitor the actual activities of PMSCs on the ground in practise. These factors combined creates a situation that exemplifies how valuable it is for Washington to utilise these PMSCs in Colombia because these companies enable Washington's actions and policies to advance and progress largely unhindered and away from the prying eyes and scrutiny of the general public, media and government.

This is important in this instance largely because of the suspect nature of both Washington's policies and the Colombian conflict, this is the case for several reasons (Stokes,2005).Firstly, Washington has relied upon heavy handed and overtly militarised strategies that have proved to be very damaging to Colombia, its aerial fumigation missions undertaken by DynCorp are particularly worthy of note. Secondly, Washington provided support to a Colombian military known to have committed a host of gross human rights violations including the murder of some 3000 civilians before depicting them as slain guerrilla combatants to lie about the numbers of FARC guerrillas killed in combat. And thirdly, the US and their Colombian counterparts have indirectly supported and displayed a reluctance to check the illicit activities of violent far-right paramilitary forces such as the AUC and have to an extent even utilised these far-right forces to combat leftist elements within Colombia like FARC and ELN (Miroff,2015).

The value of PMSCs discreet nature in coordinating and executing Washington's policies in Colombia then is great, especially in light of these unfortunate realities and truths of the Colombian case. Because of the difficulties in scrutinising and holding PMSC activities to account in addition to the fact that Washington is only indirectly tied to PMSCs legally speaking, the US has been able to distance itself further from these suspect acts and has been able to ensure a higher degree of plausible deniability from these troublesome inevitabilities attributable to the Colombian conflict whilst still being in a position to advance its strategic interests and neoliberal agenda. Ultimately, less scrutiny and knowledge of US directed actions has entailed a situation whereby fewer questions have been asked concerning the specific nature of US actions, thus having the effect of granting Washington greater power and freedom for it to conduct itself in any manner it sees fit (Fidler&Catn,2003).

Thirdly and finally, the value of Washington utilising PMSCs to advance its interests in Colombia is apparent when assessed within the context of the application of International Humanitarian Law (IHL) and the notion of the Internationalisation of conflict. For the

purpose of definitional clarity, an *international armed conflict occurs when one or more States have recourse to armed force against another State, regardless of the reasons or intensity of the confrontation...the existence of an international armed conflict entails the possibility to apply IHL* (e.g. Geneva Conventions) (ICRC,2017). In carrying out activities under Plan Colombia, the US has been indirectly participating in the Colombian conflict through its decision to rely upon PMSCs to conduct aerial fumigation missions, provide extensive training and intelligence to assist in the removal of those leftist actors deemed to be opposed to Washington's militarised and neoliberal status quo (Perret,2012:47).

Washington's pursuit of its interests within Colombia's supposedly non-international armed conflict should internationalise the conflict because it has played a major role in the facilitation of this conflict, thus altering the situation concerning the application of IHL. However, because Washington decided to advance its interests primarily through utilising PMSCs rather than relying on its own uniformed military to conduct operations, under the status of current IHL this entails a scenario that does not internationalise the conflict (Perret,2012:47). As established previously, PMSCs are not subject to the same legal scrutiny under IHL as States and their respective militaries are because PMSCs are classified as "civilians" and the current international law has not yet been updated sufficiently to account for PMSCs (to highlight again, legal language still refers primarily to "mercenaries" *not* PMSCs), meaning that no mechanisms exists with the IHL framework to check or limit US activities in circumstances whereby the US does not utilise conventional military forces.

While this scenario is problematic when one is seeking to check the activities of PMSCs on a legal basis, the fact that international legislative frameworks do not yet factor in PMSCs into their remit stands to be highly beneficial from Washington's perspective, especially so in the Colombian case. The United States, through its use of PMSCs instead of uniformed military forces, has been able to effectively circumnavigate current IHL frameworks and ensure that the Colombian conflict remains "non-internationalised". This is beneficial to Washington because it is better able to advance and pursue its interests with a far greater degree of freedom and it can pursue operations related to achieving these interests with the knowledge that its actions will not be subject to the scrutiny of IHL. Thus, Washington has been able to dictate events in Colombia on its own terms with relative impunity because of these inadequate international legal and regulatory frameworks and its decision to rely upon the utilisation of PMSCs to pursue these ideological, strategic and

economic interests represents a fundamental component of Washington's approach that has enabled this situation to be so.

[9] Concluding Remarks

Overall, in addressing this paper's central research question, that is to *identify the primary factors that have driven US foreign policy in Colombia between 1986 – 2017 and evaluate the reasons why Washington has utilised PMSCs to advance these drivers*; it is apparent that the United States has been driven to intervene in Colombia on the basis of a diverse set of motivations encapsulating ideological, strategic and economic spheres and that the utilisation of PMSCs has been of paramount importance with regards to enabling Washington to advance these drivers. The United States positions itself internationally as a noble actor on the global stage whose actions in countries such as Colombia and the wider Latin American region are geared towards upholding sacrosanct ideals and notions such as the promotion of democracy, human rights and the rule of law whilst simultaneously striving to combat those nefarious and violent actors whom seek to challenge these most. Yet, while Washington's actions and policies expressed through the war on drugs, the war on terror and Plan Colombia have all publicly proclaimed at least to uphold and promote these aforementioned ideals and values, made commitments towards combating anti-democratic forces like FARC and vowed to reduce the production and trafficking of narcotics, the reality of this situation is that the actual directions and consequences of these policies often differs from Washington's original public proclamations to a significant degree. Ultimately however, these official pretexts, proclamations and policies are supported by little confirming evidence aside from hollow declarations by leaders in Washington which invariably speak of benign intent and are therefore uninformative and act only as a façade behind which the true intentions of their policies lie (Stokes,2005: xii).

The true intentions or primary drivers of US foreign policy in Colombia then are instead rooted in ideological, strategic and economic spheres and these themselves are intrinsically tied to the advancement and promotion of Washington's own narrow self-interests. Ideologically speaking, US intervention throughout Colombia has largely been justified on the basis of seeking to promote democracy by both strengthening its democratic pillars and institutions and by combating groups within Colombia that have represented the greatest challenge to the state and its democracy and society, principally leftist guerrillas like FARC

and ELN. The role that the wars against drugs and terror played in this ideological arrangement is that these policies have served as convenient public justifications both mandating and legitimising this sustained practise of privatised US military adventurism in Colombia through Washington's efforts to allegedly safeguard and promote Colombia's threatened democracy whilst simultaneously tackling the issue of the country's burgeoning narcotics trade and ongoing insurgency. Additionally, through more specific policies such as Plan Colombia operating within this grander framework of the WOD and WOT, Washington's other overarching driving foreign policy interests in Colombia have been better positioned to materialise and come to fruition as these policies provided both greater political impetus and financial capital to facilitate this modus operandi. The significance of these ideological drivers then is that they have served primarily as justifications for US policy rather than being objectives to work towards solely achieving in their own right. To reiterate again on Stokes (2005) conclusions, these aforementioned ideological drivers are essentially akin to a façade that have assisted in masking the true intentions of Washington's policies, the most significant of which are ultimately driven by strategic and economic motivations.

Strategically, Washington has been concerned with combating and defeating FARC, not because of a commitment towards promoting Colombia's democracy and to protecting American society but rather, to safeguard overall US hemispheric security and prosperity. As the US views Colombia as a critical partner in achieving this secure and prosperous hemisphere, Washington has intervened because in order for it to secure this overarching strategic objective it has been imperative for it to ensure the survivability of a relatively stable pro-US Colombian state and its ruling elite. The primary challenge and threat to the facilitation of this was FARC as it was this group that challenged the Colombian state most, hence it was they whom the US have sought to expend great effort and resources to tackle. For instance, in the event of FARC achieving their ultimate objectives the pro-US Colombian government would be overturned and Washington would hold little or no influence over the state as a result of this, this would not only hamper Washington's Colombian ambitions but may also cause further issues throughout the North Andean and Latin American region as a whole. Intervening in Colombia has been favourable strategically to the US and thus has served as a major driver underpinning its intervention because through utilising PMSCs to undertake tasks such as providing operational support and military training to Colombian security forces, Washington has been able to assist in defeating FARC militarily and as a

consequence, ensure to a significant degree the survivability of a pro-US Colombian state and elite.

Economically, the US has intervened in Colombia with the aim of ensuring the facilitation of more favourable economic conditions for US imports and investments. Given that countries desire to receive tangible economic benefits through conducting their foreign policies states like the US often intervene to ensure such through a variety of means. In the Colombian case, as previously stated one of the primary threats to the Colombian state and by extension its economy has been leftist guerrillas like FARC and ELN on account for their violent armed struggles and insurgencies. Therefore, Washington's militarised intervention through the utilisation of PMSCs in efforts to defeat and quell leftist elements like FARC and ELN is favourable economically because by doing such, it is better able to facilitate the creation of more favourable economic conditions so that it may potentially benefit and profit from measures such bilateral trade arrangements as well as profiting more from investments into the country.

It is apparent based on this papers assessment of the nature of US Foreign policies in Colombia then that the primary driving factors underpinning Washington's foreign policy intervention in Colombia have been motivated by its long-held desire to exact informal political, economic and strategic control over Colombia in addition to the wider Latin American region in a manner that is beneficial and conducive to US interests (Brittain, 2009). The significance of PMSCs in the facilitation of this is great because it is these companies that have represented one of the best possible avenues and means for Washington to advance its driving interests within Colombia. Given that PMSCs have constituted such a fundamental component of Washington's strategy to assist in helping it to justify, pursue and realise these ideological, strategic and economic interests, it is imperative to draw more attention to these company's actions in Colombia as it is they who have physically enabled the US to work towards promoting its agenda on the ground.

On account for the fact that the US military was itself constrained in its ability to act in Colombia in any manner outside that of a purely supporting role with thanks to NSDD 221 in addition to the fact that the US general public and government are generally wary of committing US troops over fears of incurring casualties and fatalities, PMSCs in reality have represented the only actors and force able to actually work towards promoting Washington's

interests in Colombia. Ultimately however, the value and utility of contracting PMSCs to undertake militarised operations to assist in the facilitation of a range of other strategic and economic factors extends beyond the mere fact that they represented to only actors able to undertake such operations in lieu of conventional military forces.

Having successfully accomplished the objectives of defeating Colombia's largest guerrilla group, the FARC, through their sustained efforts to target their support bases in the country's South by forcibly removing thousands from their land into the cities partly via aerial fumigation undertaken by PMSCs, by training and equipping Colombian security forces to the extent that they are now one of the largest, best equipped and most professional military and police outfit in the entire Latin American region and in providing these security forces with a modern communications infrastructure and intelligence services that has ultimately made them a far more effective fighting force. Furthermore, through utilising PMSCs Washington has been able to advance these interests without *internationalising* the conflict, meaning that International Humanitarian Law cannot technically come into contention even in spite of the fact that its actions have undoubtedly resulted in an escalation in drug production, violence and instability. Consequently, the non-internationalisation of the Colombian conflict, the granting of legal immunity to US companies and personnel by the Colombian government in addition to the myriad of difficulties involved in holding PMSCs to account on a practical as well as a legal basis due to the inadequacy of the laws governing their actions, means that Washington has been able to pursue its militarised and imperial agenda largely unhindered.

In this paper, I have only assessed the Colombian case, however the fact remains that the issues governing PMSCs in this case also stand to apply to other cases globally whether that be in Afghanistan, Iraq or elsewhere. Today, none of the international laws have been altered to account for the rise of PMSCs on the international stage and this case will likely remain so for much of the foreseeable future. This is because the actors who rely on PMSCs the most happen to be States such as the US and it is evident that states such as the US harbours vested interests in leaving the avenue of utilising PMSCs open. As such, it is unlikely that international laws and regulations will be introduced to curtail their activities to a significant degree any time soon as it is very much within the interests of these States (not just exclusively the US) to facilitate the widespread accessibility of PMSCs so that they may continue to rely upon these companies to assist in the advancement and perpetuation of their respective aims, interests and objectives, whatever those may be.

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