



## War by proxy 2/2

military-Earth thinking notebook

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Histoire & stratégie

### **A flexible legal framework ... to escape international or national definitions of mercenarism**

Article 47 of the Additional Protocol to the Geneva Conventions (1977) specifies and denounces the profession of mercenary; then the legislation becomes UN with the Convention on the International Recruitment, Use, Financing and Training of Mercenaries (1989). Only 47 States have ratified this text today because its adoption is likely to involve military personnel responsible for technical assistance. "In reality, the most effective measures in the fight against mercenaries are taken by national legislation" (Dictionary of War and Peace, edited by Benoit Durieux, PUF, 2017). France has not ratified the 1989 convention, but adopted its own legislation in 2003 (Law 2003-340 of 14 April, Repression of mercenary activity) in an attempt to fill this legal void (we are not talking about SMP, but about ESSD - a security and defence services company).

Widespread corporate structuring has allowed large SMPs to escape international or national definitions of mercenarism. South Africans are the leading PMC operators, but, following the conflicts in Iraq and Afghanistan, companies from the United States and Great Britain have emerged. We see that among our American and British allies, PMCs are actors in their own right and are used on a massive scale. This policy allows them to limit the size of their armies while maintaining their means of influence. However, Washington and London are careful to supervise and above all to control the action of the SMPs.

### **An exponential need which has changed France's stance**

The emergence of this new international standard - the increasing use of Anglo-Saxon-style private companies since the wars in Afghanistan and Iraq (some \$200 billion in

contracts awarded to the United States) and the growing use of the private sector in the United States and Europe - has led to the emergence of a new international standard. The emergence of this new international standard - the growing use of Anglo-Saxon private companies since the wars in Afghanistan and Iraq (some \$200 billion in contracts awarded by the Pentagon) and their apparent success - has forced French governments to review legislation and authorise the use of private companies to protect merchant ships (law of 1 July 2014). When the State and the international community are unable to ensure their security, citizens have the right to do so themselves or through private companies. This is a very American concept, since security is treated as a commodity, another very American concept. However, the privatisation of security makes it possible to deal with threats of a new or complex nature (hybrid or not) using new instruments. It is part of a "global" approach and response.

### **Financing and employment facilities**

"As soon as the professionalisation of the armed forces seems irreversible - and indeed it is - the phenomena of outsourcing will continue to multiply in an attempt to re-establish the professionalization of the armed forces. (Dictionnaire de la guerre et de la paix, edited by Benoit Durieux, PUF, 2017). Moreover, it should be remembered that since the army only has a limited number of personnel and training resources tailored to its needs, the massive training of foreign contingents is de facto excluded. The question then arises as to which activities can be outsourced and which cannot.

### **In the end, given this long list of advantages and facilities, proxy warfare has few disadvantages and relatively few risks:**

- Increasing cost: this risk should not be underestimated because outsourcing may prove less profitable than expected; on the other hand, there is the inevitable logic of return, which is the end result of any commercial contract;
- risk of loss of control of forces and risk of uncontrolled violence: the involvement of the Kurds in Syria shows that a contingent of proxies - however legitimate their aspirations may be - can become a decisive ally;
- what legal framework and legitimacy? In a context of increasing judicialization of military activities, it is futile to believe that the use of proxies will take place without an increasingly restrictive legal framework. However, the private contract framework and the recognition of PMS/SSDS should make it possible to optimise their use on a case-by-case basis.
- risk of loss of efficiency? As with any unit of regular combatants, certain factors are essential both in regular troops and in the ranks of SMP teams: over and above pay, good training and equipment, individual motivation and group cohesion, as well as command value, are the foundations of an operational and seasoned unit. It should not be forgotten that PMCs are made up of former military personnel, supervised, well-educated, professionally and technically reliable.
- But, above all, morality and a certain code of honour, specific to the military, are not well suited to war by proxy. This obstacle should not be underestimated.

### **Alternatives to proxy warfare... or simply other forms of proxy warfare?**

## **The loss of effectiveness of regular strategies or "the increasing inability of modern armies to deal with an asymmetric or irregular adversary" (Coutau-Bégarie)**

Amin Wardak denounced (Valeursactuelles du 15/10/2009 ) the 40 billion dollars spent in Afghanistan between 2001 and 2009 in vain... Gérard Chaliand criticized the military operations in Afghanistan, quoted by Coutau-Bégarie : "Western armies have neither the political will, nor the physical courage, nor the taste for Spartan life, nor the knowledge of languages, nor the will to understand other civilizations that the colonizers of the 19th century had. While I do not entirely agree with this harsh observation, it must be said that the results of the coalition's commitment in Afghanistan have not been commensurate with the ambitions and sacrifices (human, material and financial) that have been made. However, in this particular case, the training of Afghan National Army (ANA) cadres through Operation EPIDOTE (2001-2008) and the Operational Mentoring and Liaison Team (OMLT) from 2008 to 2011 appears to be a solution suited to the geostrategic situation and the Afghan social and cultural context.

## **Winning hearts and minds**

This strategy, advocated by the French marshals Gallieni in Madagascar (1896) and Lyautey in Morocco (1912), and codified more recently by the British (General Rupert Smith), dates back to the occupation troops of the colonies. Formalized in the French Army from the First World War onwards - the Berthelot mission, operational from 1916 in Romania, will count no less than 2,000 officers and non-commissioned officers (dizzying figures! At the time, we had the means!) - and then it was the important missions after the First World War in Poland, Serbia, Greece and the Czech Republic.

In Africa, from then on, the national schools with a regional vocation (ENVR) were a real success and the notion of "brothers-in-arms", a brotherhood won between French and African soldiers on operations, was not an empty word. Today, as in the past, this concept retains all its relevance and should continue to inspire our style and methods of cooperation.

## **The example of Special Forces (SF): when yesterday's auxiliaries become today's elite units**

It may be forgotten that the modes of action and missions of today's SFs largely correspond to those of yesterday's auxiliary troops (intelligence and intervention missions/hands-on missions dedicated to light troops). What has fundamentally changed is the perception of these actions and units, which were yesterday "irregular units", in the shadows, even suspected of waging a dirty war, today in the spotlight, rather better equipped than their sisters (like the Imperial Guard compared to the "line" in the Great Army), and with the wind in their sails...

The strategies implemented to ensure military victory have always been accompanied by power bypass operations designed to attack the opponent's weak points. Indirect strategy and SF probably go hand in hand, and it is probably no coincidence that the first two permanent SF corps created during the Second World War were the Soviet spetsnaz and the British Special Air Service (SAS), two countries that chose and applied indirect strategy long ago.

The end of the Decolonization Wars marked the end - temporarily - of large-scale special operations, even though the record of such operations had been quite conclusive. Their

return to favour was brought about by the new geopolitical context following the Cold War (first Gulf War), which was soon accelerated by the fight against terrorist groups (11 September attacks).

"In the new strategic context, that of low-intensity but long-term crises, special operations are increasingly long term, lasting several months or even years (...). For all that, SFs are not a substitute for conventional forces, the only ones capable of holding the ground and conducting a military campaign ..." (Dictionary of War and Peace, edited by Benoit Durieux).

Another interesting fact to note: it is yesterday's auxiliaries (the SFs) who either act autonomously (special operations) or in concert with today's auxiliaries (the proxies) to train and coach them (objects of the French Task Forces in Iraq and BSS). In either case, non-special conventional forces support and sustain these actions.

### **Is the PMO the ultimate avatar of "remote warfare"?**

The PMO (Military Operational Partnership) is the new term that is to replace the AMO (Security Forces Assistance), whose term of assistance has been deemed inappropriate in a desired relationship that is now more uncomplicated with our former colonies, which have become our allies.

The PMO consists of two components that can be complementary:

- military technical assistance is usually conducted in a non-hostile environment. It is understood in the sense of a structural cooperation which today falls under the Directorate for Security and Defence Cooperation (DCSD) for its financing, but which calls on the expertise of the armed forces.
- Operational military assistance is conducted in an environment that may be hostile or semi-hostile. Indeed, the state being supported does not fully carry out all of its sovereign missions in this situation. However, the aim of such assistance is to reduce the foreign forces that could have been deployed as part of an intervention.

As a command in the process of increasing its strength, PMO COM aims to provide the strategic level command with ground expertise to support the planning and conduct of PMO actions both in the operational field and in the field of military operations. PMO COM aims to provide the strategic level command with land expertise to support the planning and conduct of PMO actions in both the operational and structural fields during all phases of operations and to provide the operational commander in the field with a projectable and multi-purpose cooperation tool specifically dedicated to the PMO.

The current commitments of the French army, whether in Barkhane in the Sahel-Saharan strip or Chammal in the Middle East, give a large place to the PMO. The presence of a partner is indeed central since it is a question, within the framework of a continuum of cooperation, of forging its military tool thanks to the cooperation of the French army and the French Army. The presence of a partner is indeed central since, as part of a continuum of cooperation, it is a matter of forging its military tool through structural cooperation, training it up to the point of accompanying it in combat with operational cooperation, and possibly participating alongside it in coercive action.

In spite of this laudable ambition, the Army will come up against the inevitable question of human resources and means: What contribution do we want to make to international cooperation knowing that our training and education structures are more or less tailored

to our army and therefore have limited dedicated personnel and resources? The question again arises as to which activities can and cannot be outsourced.

### **In the absence of a conclusion**

- The standing army is not new, and it is precisely from the creation of the standing army that the tax was born. What is new, however, is that the material and equipment of this army now amounts to exorbitant sums that cannot be paid for by the Ministry of the Armed Forces alone. The State's debt is indeed a strategic fact because it leads to dependence on uncontrollable organizations, the antithesis of the Gallic ideal of national independence. Therefore, all palliative solutions must be examined in order to avoid shedding "blood, sweat and tears". The return of some form of proxy warfare envisaged across the spectrum should range from (re)building alliance systems to seeking partnerships, the two not being mutually exclusive. Yesterday's enemy should also be considered as a potential future ally, at least occasionally. One thinks of Russia... France's other great historical ally (it is too often forgotten today that it is notably thanks to Russian soldiers that the Allies won the two World Wars by imposing a second front on Germany).
- If it wishes to contribute to world security, while at the same time having an effective relay of influence, shouldn't France also draw inspiration from the Anglo-Saxon example by supporting the rise of controlled SMP/ESSD?
- More generally, since the *raison d'Etat* remains the line of conduct to be followed, shouldn't our political and military authorities be more accommodating to the advantages of remote warfare (from the use of PMS to the use of sophisticated weapons)?
- Proxy warfare will not avoid confrontation between two powers when the time comes, and is in no way tantamount to letting go of guard. However, its multiple advantages and flexibility of use make it an outstanding instrument of domination, influence, response, resistance or simply warning, depending on the situation. One may therefore wonder whether we should not approach war by proxy in a freer and more uncomplicated manner, without refraining from positions that might offend good consciences, since there are apparently many institutional and ethical obstacles.

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