

Operational Implications of Private Military Companies in the Global War on Terror.

A Monograph

by

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Abstract

OPERATIONAL IMPLICATIONS OF PRIVATE MILITARY COMPANIES IN THE GLOBAL WAR ON TERROR. By Major Richard D. Wallwork, RA, British Army, 75 pages.

This monograph discusses the implications of private military companies (PMCs) in the global war on terror (GWOT). The recent upsurge in the use of PMCs to support the prosecution of the global war on terror has impinged increasingly on what is traditionally seen as the state monopoly on violence. PMCs as entities on the stage of conflict are widely misunderstood and as a result, often operate in an area of scant regulation, limited oversight, and ineffective control. As PMCs become increasingly involved in operations, the implications for the military are wide ranging and planners and commanders need to be aware of the capabilities and limitations of PMCs. Currently, little doctrine and guidance exists on PMCs. Specifically, this monograph examines the myriad factors concerned with PMCs, their benefits and disadvantages.

The purpose of this paper is to assess the operational implications of the employment of PMCs. It will analyze the identity and current state of the PMC industry. The hypothesis is that the current level of PMC use is not a deliberate policy decision, but a result of assumptions of the nature of the GWOT and that the current state of legislation and contractual oversight is woefully inadequate. Why are armed civilians operating with legal impunity in Iraq? How much is the military aware of this and why is there no doctrine available for commanders or planners to consult regarding PMCs? Through the application of a strengths, weaknesses, opportunities and threats analysis, the above questions will be answered. The analysis is then presented, primarily, through the lens of the elements of operational design.

The monograph concludes that the considerable utility of PMCs should not be overlooked and that they can be valuable contributors and partners in the war against terror. Currently though, numerous issues regarding PMCs need attention. The study suggests that the rapid growth of the use of PMCs is largely unregulated and not under proper control. With over 15,000 PMC employees in Iraq, too little is known about them and the implications of their presence, especially by the military. A distinct lack of joint and single service doctrine on the subject is further exacerbating the problem. Until there is regulation, control, oversight and a formal doctrinal framework regarding PMCs, they will not be able to be harnessed effectively to become a fully-fledged partner in the joint fight.

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Acronyms

AECA	Arms Export Control Act
CACI	Consolidated Analysis Centers Incorporated
COE	contemporary operating environment
CONUS	Continental United States
CPA	Coalition Provisional Authority
DoD	Department of Defence
EO	Executive Outcomes
FM	Field Manual (U.S. Army)
GWOT	global war on terror
IOPA	International Peace Operations Association
ITAR	International Trade in Arms Regulation
LOGCAP	Logistics Civil Augmentation Program
MEJA	Military Extraterritorial Jurisdiction Act
MPRI	Military Professional Resources Incorporated
OEF	Operation Enduring Freedom
OIF	Operation Iraqi Freedom
PMC	private military company
PMF	private military firm
PNG	Papua New Guinea
QDR	Quadrennial Defence Review
SOFA	Status of Forces Agreement
SWOT	Strengths Weaknesses Opportunities Threats
UK	United Kingdom
UN	United Nations
US	United States

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CHAPTER 1

Interconnectedness, the dispersion of power and knowledge that flows from the information revolution, and the eroding legitimacy of armed force are leading toward a multidimensional trend toward privatization within the realms of security and armed conflict. As nations seek ways to attain a surge capacity without the expense of sustaining a large peacetime military, and as they face difficulties recruiting from their own populations, contracting will be an attractive option for filling the ranks. Corporate armies, navies, air forces and intelligence services may be major actors in 21st century armed conflict. This will open new realms of strategy and policy.¹

Operations to liberate, stabilize, and reconstruct Iraq since March 2003 have been supported by previously unseen numbers of Private Military Companies (PMCs) employed by members of the coalition, the Coalition Provisional Authority and of late, the interim Iraqi government.² These companies conduct day-to-day operations, often operating alongside “conventional” forces. The employment of PMCs appears to be a growth industry and the current situation is seen by many as the future norm.

The presence of these seemingly indefinable entities in the area of operations has implications for commanders and operations at all levels, especially considering that many of the worst moments in the Iraq conflict have involved PMCs “outsourced” by the Pentagon; for example the killings and mutilations of PMC employees in Fallujah, and the abuses by PMC employees at Abu Gharib prison.³ The abuses at Abu Gharib have significantly affected the standing of the coalition both in Iraq and around the world.

The role of the traditional military has now been impinged upon in many areas. Traditionally, states and governments used their own citizens to secure themselves from threats, either by conscription or by offering fiscal reward to volunteers. “Citizens fought wars in the

¹ Steven Metz, “Armed Conflict in the 21st Century: The Information Revolution and Post-Modern Warfare,” (Monograph, Strategic Studies Institute, 2000), ix.

² One academic study says the ratio of private contractors to U.S. military personnel in the Gulf is now one to ten, ten times the ratio during the 1991 war. Stephen Evans, “Privatised [sic] wars ‘need new laws’,” BBC News, 10 May 2004 [article on-line]; available from http://news.bbc.co.uk/1/hi/world/middle_east/3699957.stm; Internet; accessed 28 May 2004. The *Economist* termed the conflict “the first privatized war.” “Military Industrial complexities,” *Economist*, 29 March 2003, 56.

³ Peter Singer. “Nation Builders and Low Bidders in Iraq,” *New York Times*, 15 June 2004, 1.

name of states out of loyalty, nationality and ideology.”⁴ We are now seeing considerable numbers of individuals and companies “fighting wars” for profit and personal gain.⁵ Toffler suggests, “Why not, when nations have already lost the monopoly of violence, consider creating volunteer mercenary forces organized by private corporations to fight wars on a contract-fee basis for the United Nations?”⁶

This monograph will examine the operational implications of PMCs on the battlefield. It will look at current operations in Iraq and Afghanistan, highlight areas in need of review, examine the impact of the lack of doctrine on the subject, make recommendations regarding the subject, and suggest areas for further research.

The primary research question is, what are the operational implications of PMCs in the global war on terror? The question’s simple phraseology belies a degree of complexity in reaching an answer. Thus, several supplementary research questions need to be addressed to ensure arrival at a satisfactory answer to the primary question. What are the strengths, weaknesses, opportunities and threats of PMCs? The answers to this will be covered in Chapters 3 and 4. Another question is whether a lack of regulation, oversight and doctrinal guidance are issues of military concern.

Tertiary questions form the basis for the analysis. Firstly, are PMCs unduly influencing foreign policy? Secondly, are PMCs a threat to the military? Finally, why have the levels of PMC employment grown as large as they have?

⁴ Henry Sanchez, “Why Do States Hire Private Military Companies?” Rutgers Business School [on-line]; available from <http://newarkwww.rutgers.edu/global/sanchez.htm>; Internet; accessed 12 July 2004.

⁵ There is no definitive figure on the number of PMC employees in Iraq but popular consensus (from a variety of sources) puts the figure at 15-20,000.

⁶ Alvin Toffler, *War and Anti-War* (New York: Little, Brown and Company, 1993), 229.

Problem Background and Significance

The end of Cold War bi-polarity led to the evolution of the current contemporary operating environment in which many weak and emerging states could not guarantee their own security or recruit, train, and sustain an effective military force. Tied to this was, and still is, a perceived reluctance on the part of some of the Western nations to get involved in various regions, as these do not fall within the realm of their vital “strategic interests.” There is also a pervasive wish to avoid low intensity conflicts. Many states that were once propped up by the superpowers have subsequently been allowed to fail.⁷ This “requirement versus reluctance” gap is what modern PMCs were primarily created to fill. Further post-Cold War effects have seen the wholesale reduction of the amount of standing armed forces in the world. This has had the obvious effect of a reduction in the capability of these forces and thus in the main there is now less capability available to support their respective government’s national and foreign policy. The draw-down has also created a large, available pool of trained, experienced military manpower.⁸

Currently the U.S. Department of Defence (DoD) has gone further than any other country’s armed forces to privatize military functions. Never previously has it relied so heavily on outside entities to prosecute operations, leading to the oft-coined phrase “The U.S. cannot go to war without Brown and Root.”⁹ Over the period 1994-2002, the U.S. DoD let contracts to the value of over \$300 billion to U.S. based firms, colloquially known as the U.S. military’s “silent

⁷ Doug Brooks, “Messiahs or Mercenaries? The Future of International Private Military Services,” *International Peacekeeping* (Winter 2000): 132.

⁸ The US military now has one-third of the forces it had at its Cold War peak and the British Army is currently at its smallest since the Battle of Waterloo in 1815. David Shearer, “Private Armies and Military Intervention,” *Adelphi Paper* 316, International Institute for Strategic Studies (February 1998): 27.

⁹ Kellogg Brown and Root is a subsidiary of Houston-based Halliburton, a multi-national construction and energy service company. The company had provided logistical support to the majority of U.S. Army deployments since 1992. Not a direct military provider as such, the company’s success is based on the adage that logistics is the lifeblood of war at the operational and strategic level. KBR employs over 20,000 people and earns gross revenues of over \$6 billion. Leslie Wayne, “America’s For-Profit Secret Army,” *New York Times*, 13 October 2002.

partners” by Senator John Warner of Virginia, chairman of the Armed Services Committee.¹⁰ The benefits gained from the of contractors have been the ability to focus resources into the fighting elements of the military and streamline logistics and supply systems.¹¹

The role of PMCs is currently a subject of some debate concerning regulation and oversight, with the focus firmly on methods of increasing control and regulation, and improving oversight. PMCs are now prevalent in all areas of military operations and operate in many geographical locations. Very infrequently are the atypical mercenaries of Congo in the 1960s and Angola in the 1970s operating today. PMCs today are streamlined corporations designed for one thing - to make money. Gone, to many, is the desultory image of the “dogs of war” operating outside international law. A brief history of the PMC industry will be presented in Chapter 2.

The military currently has little or no control over the presence of PMCs on the battlefield despite the fact that they are now a fact of life, routinely conducting tasks once considered purely in the military domain, such as quick response teams, evacuation teams and armed escort. The military must come to terms with their presence, operational methodology, and impact in the theatre of operations.

Limitations and Delimitations

In research, limitations are events that may interfere with the results of a study that the researcher cannot control. Acknowledging limitations up front demonstrates recognition of those elements that may have significant impact on events, planners, and commanders, but which lie outside the scope of this study for the reasons identified.

The primary limitation is that no official writings on PMCs above the UNCLASSIFIED level have been used in constructing this monograph. This will allow greater accessibility to the

¹⁰ Peter Singer, *Corporate Warriors: The Rise of The Privatized Military Industry* (New York: Cornell University Press, 2003), 15. Not all the contractors can be termed as PMCs but it remains a significant amount of money.

¹¹ *Ibid.*, 137.

RESTRICTED. Sadly this rules out any classified lessons learned from Afghanistan and Iraq to date and on the interplay between PMCs and the military in ongoing operations, if indeed they even exist. Thus, the majority of information used in the paper is from secondary and tertiary source material. Little primary material has been used, given the difficulties in obtaining it and a pervasive unwillingness to discuss the industry amongst those involved in it.

Another key limitation is the impact of political imperatives, such as the use of PMCs, upon the military hierarchy and their plans. It is clear that the United States military is subordinate to, and exists to support an overarching national security strategy or policy, and that political factors have a major impact on planning and execution. The rise of PMCs in what is largely the military arena is almost certainly not a military initiative and thus constantly reminds us of the subservient role of the military to national policy. It is, however, not the place of this monograph to address the justification or reasoning behind political decisions; the purpose of the study is merely to suggest, from a military perspective, ways to work with and possibly improve these decisions.

Delimitations are the ‘who, what, when and where’ of the study. They discuss what is included and excluded. First, the monograph will focus primarily on the strategic and operational levels of war . That said the tactical level has few freedoms beyond those extended them by the higher levels but it is at the tactical level that the challenges of operating with PMCs become most apparent. The experiences of the tactical level therefore remain a relevant part of the study. Second, given the joint and multinational nature of military operations at the strategic and operational level, this paper will refer to the “United States DoD.” However, because the United States Army has gone by far the furthest down the road of “privatization,” lessons are more applicable to the army than any other service, hence the focus is on the army.

The nature of those who work for PMCs is that they are primarily motivated by money. As such this paper will consider the terms mercenary and PMC as largely synonymous. For complete definitions see Appendix 1.

The range of PMC abilities, services and capabilities are vast. The industry in its entirety provides in many areas almost virtually mirror capabilities to those provided by national militaries. In order to best answer the research question, several key limitations have been imposed. PMCs providing logistic services to the military can be geographically forward but the nature of the services are such (food supply, fuel provision, cleaning etc) they will not be discussed here.¹² The size of the private military industry is such, that addressing it in its entirety is beyond the scope of one paper. Peter Singer in his book *Corporate Warriors: The Growth of the Privatized Military Industry*, postulates a construct to classify PMCs by task and geography (in terms of how close they are to the fighting).¹³ Using his term of “Military Providers,” this monograph will focus on PMCs involved in frontline operations in the Global War on Terror (GWOT) - i.e. those providing forces with a direct role in hostilities, such as training of military and security forces, front-line advisors, interrogators and security personnel.¹⁴ Further narrowing the scope of the monograph, only those PMCs hired by legitimate governments (the U.S. primarily, in this study) will be examined and as much as possible, focus will remain on the current situation in Iraq and Afghanistan. The monograph will not address the issue of whether or

¹² Several key works exist on the contractorization of the U.S. Army LOGCAP function. See Michael F. Stollenwerk, “LOGCAP: Can Battlefield Outsourcing Create Tactical Synergy?” (Monograph, School of Advanced Military Studies, Fort Leavenworth, 1999).

¹³ Location relative to the ‘front-line’ is becoming less of an issue is the non-contiguous battlefield envisioned today. It is even less relevant when considering counter-insurgency operations such as those being prosecuted in Iraq and Afghanistan at the moment. That said - the construct is the most utilitarian way to classify PMCs available.

¹⁴ There is no total delineation between the types of PMCs and the work they are doing. The inevitable overlap will mean much of what is considered in this monograph will also apply to other types of PMC. Military provider firms are defined by their focus on the tactical environment. In a military sense, such firms provide services at the forefront of the battlespace, by engaging in actual fighting, either as line units or specialists and/or direct command and control of field units. Singer 2003, 92.

not the U.S. government failed to prepare for the post-hostilities phase of operations in Iraq, which has led to the need for such a large number of PMCs, despite large interest in this issue.

Literature Review

The purpose of the literature review is to outline the primary, secondary, and tertiary source material used to research the answer to the main research question and supporting questions. The literature review also serves to highlight noted works on the subjects of PMCs, political-military relationships, legislation and regulation, which may assist in future research of this and similar subjects.

The literature analyzed addresses the broad background of PMCs, the more contemporary issues of their current utility, their expansion and what, if any, is the future role of PMCs, with the purpose of providing supporting arguments and evidence to answer the primary question. The literature review also addresses specific key supplementary questions. The first area for examination focuses upon the origins and growth of PMCs and how their utility has developed. Like most issues, opinion about PMCs and their utility is divided and attempts have been made to view the problem from both sides. The second area of literature will examine current doctrinal thinking on the use of PMCs and highlight any official papers and writings on the subject. The final area of literature offers an overview of contemporary thought on the PMC market, where it is today, where it is going, and what it may look like in the future.

Origins of PMCs.

Peter Singer in *Corporate Warriors*, covers the nature of the industry from its inception.¹⁵ Importantly, Singer attempts to categorize what is a very diverse collection of companies providing very diverse products and services into a single construct - adding some

¹⁵ Peter Singer, *Corporate Warriors: The Rise of The Privatized Military Industry* (New York: Cornell University Press, 2003). Singer is a research fellow at the Brookings Institute, a centrist think-tank.

order to what Mandel calls the “definitional morass” of private security.¹⁶ The definitions he suggests provide a useful framework for delineating the industry and even though certain firms will sit across some of the delineations, the model allows a good starting point for analysis. Singer also cites specific examples of firms and notes their successes and failures across the range of services provided.

Many writers on international affairs have commented on PMCs (or their equivalent in other terminology) and their utility. Steven Metz of the Strategic Studies Institute considers their use in “Strategic Horizons: The Military Implications of Alternative Futures” and again in “Armed Conflict in the 21st Century: The Information Revolution and Post-Modern Warfare,” as do Alvin and Heidi Toffler in *War and Anti-War*.¹⁷ These writers make far-reaching suggestions for the employment of PMCs in the future.

The vast majority of writings on PMCs still focus heavily on Africa and the likes of companies such as Executive Outcomes, Sandline, and others that fall within the typical “dogs of war” type image.¹⁸ The case of Military Professional Resources Incorporated (MPRI) and their operations in Croatia is also one example oft touted.¹⁹ Many writings highlight the very negative image the industry has as a whole and how “uncomfortable” people feel with the idea of the state no longer maintaining a monopoly on violence, and with private companies exporting military capability seemingly with impunity.

¹⁶ Robert Mandel, *Armies Without States: The Privatization of Security* (Colorado: Lynne Reinner Publishers, 2002), 127.

¹⁷ Steven Metz, “Armed Conflict in the 21st Century: The Information Revolution and Post-Modern Warfare,” (Monograph, Strategic Studies Institute, 2000), ix and “Strategic Horizons: The Military Implications of Alternative Futures,” (Monograph, Strategic Studies Institute, 1997). Toffler, Alvin, and Heidi Toffler. *War and Anti-War: Survival at the Dawn of the Twenty-first Century*, (New York: Little, Brown and Company, 1993).

¹⁸ Executive Outcomes originated in South Africa and was the first of the new type military provider companies. It ran several successful operations in Sierra Leone and the Congo in the 1990s.

¹⁹ MPRI was set up by former U.S. Army General Carl Vuono and boasts many former general officers on its payroll. It is widely known as “Generals Without Borders.” The overwhelming success of the Croatian Army in Operation Storm against the Serbs in the Krajina is readily attributed to the efforts and training of MPRI.

In 1999 Tim Spicer, one time director of Sandline International, wrote his own PMC book, *An Unorthodox Soldier*, largely to explain the incident involving the arming of the Sierra Leone government and the provision of PMC services. This book gives a useful and succinct history of the PMC industry, albeit from a very pro-PMC standpoint.²⁰ A full history of African mercenaries is well documented in *Mercenaries*, edited by Abel-Fatau Musah of the African Centre for Democracy and Development, which covers mercenary activity in Africa since 1950 and charts the growth of the industry and the companies that thrive on it.²¹

Eric Hoffer, in *The True Believer*, foresaw in 1951 the dangers associated with the rapid demobilization of armies. He noted that they can flood society with disgruntled misfits who make ideal insurgents, and thus also mercenaries.²²

Contemporary PMC Writings.

The contemporary nature of the issue of PMCs in the GWOT means that writings which relate to the primary and secondary questions are predominantly found in journals, magazines and newspapers. Opinion is naturally wide and varied as to the utility of the current level of PMC activity. Singer is widely quoted in the *Washington Post* and the *New York Times* and many professional journals have run articles recently on PMCs (*RUSI Journal*, *Parameters*, and *International Politics* to name a few).

The nature and scale of the PMC business have changed beyond recognition over the last ten years and the declaration of the “War Against Terror” set the cash registers ringing around the world, in what Singer quantifies as the bringing together of “an international coalition of the

²⁰ Timothy Spicer, *An Unorthodox Soldier*, (Edinburgh, UK: Mainstream Publishing Company, 1999).

²¹ Musah, Abdel-Fatau and J. Kayode Fayemi (eds). *Mercenaries: An African Security Dilemma*, (London: Pluto Press, 2000).

²² Eric Hoffer, *The True Believer: Thoughts on the Nature of Mass Movements*, (New York: Harper Perennial, 1951). Eric Hoffer (1902-1983) was an American social philosopher. He wrote nine books and won the Presidential Medal of Freedom.

billing.”²³ The growth of the industry since has been unprecedented, as has the extent of the operations in which PMCs have been involved. Many newspapers and journals have picked up the issue of the growth of the industry and run articles describing it. Few have made any real analysis and one of the few to do so is Spearin’s “The Emperor’s Leased Clothes: Military Contractors and their Implications in Combating International Terrorism,” in *International Politics*.²⁴ An assistant professor at the Canadian Forces College, he analyses and critiques the involvement of PMCs in the fight against terrorism.

A paradigm shift in contemporary international affairs is suggested in several writings in that there is a shift from “government to governance,” in view of the amount of power now wielded by corporate entities and how it has impacted upon the power wielded by governments. Elke Krahmman of the Centre for European Studies at Harvard, considers the changes in the nature of government and the contemporary environment in several papers and presentations. Notably, one paper, entitled “Private Firms and the New Security Governance,” highlights the changing dynamic between the accepted model of the state monopoly on violence and its slide back (the historic norm according to Krahmman) into the hands of individuals.²⁵

In a similar vein to Krahmman, Robert Bunker an adjunct professor of the University of California, sees history repeating itself and gives credence to this in “Fourth Epoch War,” which highlights cyclical periods of non-state soldier/mercenary ascendancy in the west.²⁶ Bunker shows diagrammatically, in figure 1, his representation of the current operating environment, which is very much indicative of the situation in Iraq and Afghanistan. Bunker suggests that the current operational environment, fighting non-state actors, is taxing the capabilities of traditional

²³ Peter Singer, “Role of Security Companies to Become More Visible,” *USA Today*, 2 April 2004.

²⁴ Christopher Spearin, “The Emperor’s Leased Clothes: Military Contractors and Their Implications in Combating International Terrorism.” *International Politics* 41, no 2 (June 2004): 243-264.

²⁵ Elke Krahmman, “Private Firms and the New Security Governance,” *Cooperation and Conflict* 38, no. 1 (March 2002): 15.

²⁶ Robert Bunker, “Fourth Epoch War,” *Marine Corps Gazette* 78, no. 9 (September 1994): 20.

law enforcement and military forces. He writes “It represents a literal playground for criminal-soldiers and mercenaries.”²⁷

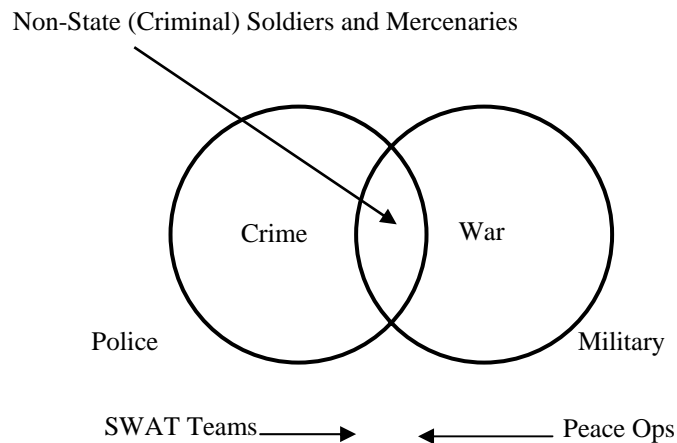


Figure 1. The Blurring of Crime and War.

Source: Robert Bunker (ed), *Non-State Threats and Future Wars* (Portland: Frank Cass, 2003), xxi.

Further, he alludes to the fact that traditional notions of victory are no longer relevant, asserting that “we do not need to strive for perfection - all we have to do is get the future less wrong than our opponents.”²⁸

Few writers seem to engage in any detail the issue of PMCs working alongside forces from their country of origin or from an allied nation, particularly in the field of military providers. Major developments are that companies are now employed by their own governments (or those of friendly nations) to complete work on their behalf, rather than for a third party nation. This is where the key changes and growth in the industry have occurred over the last five years. Issues

²⁷ Robert Bunker, Robert Bunker (ed), *Non-State Threats and Future Wars* (Portland: Frank Cass, 2003), Introduction, xxi.

²⁸ *Ibid.*, xx.

such as accountability, transparency, oversight and regulation are always current for PMCs and these issues will be discussed in the analysis section of the monograph.

Martin Van Creveld further exemplifies the current operating environment and describes it in terms of “Non-Trinitarian warfare.” A trinitarian war is one based on a clear division of labor between the government, the armed forces, and the people who pay/suffer/fight and he builds on the concept used by von Clausewitz to show what he called *volkskrieg* (peoples’ war). Van Creveld suggests that an imbalance in either the government, the military or of the people, has led to instances where conflicts have been bloodier than was thought possible - Somalia and pre-U.S. invasion Afghanistan are notable cases. In the case of Lebanon, he states that Israel is no closer to “getting a grip on this [kind of] war than they were a decade ago.”²⁹ The presence of non-state actors and PMCs are entities that will continue to make conflict more non-trinitarian in the future. The “trinity” debate is very much linked now with PMCs and corporations, but is sadly beyond the scope of this monograph.

The debate over regulation of PMCs continues to stir and is considered in many recent articles. In *Armies Without States*, Robert Mandel, professor of international affairs at Lewis and Clark College, puts the lack of regulation down to three broad things: an inability to nail down the problem, the absence of societal consensus, and a lack of clarity about what to do about PMCs.³⁰ The recent proliferation of PMCs in Iraq and Afghanistan has further added to the issue in that the majority of these companies work directly for governments of the coalition, or the Iraq government. No longer is the problem one of just dealing with companies operating on behalf of third party governments in Africa.

Writings in the press have generally been critical of the lack of regulation and oversight in the awarding of contracts to PMCs in both OEF and OIF. Singer is quoted regularly in both the

²⁹ Martin van Creveld, “The Transformation of War Revisited,” in *Non-State Threats and Future Wars* ed. Robert Bunker (Portland: Frank Cass, 2003), 8.

³⁰ Robert Mandel, *Armies Without States: The Privatization of Security* (Boulder, Colorado: Lynne Rienner Publishers, 2002), 137.

New York Times and the *Washington Post*, often criticizing the current in-place systems or lack of them; for example, “This once again shows how far we have pushed it, when you see contracts written this way, they are ignoring a fundamental fact ... You are hiring someone to do a military job even though they are not in the military.”³¹ A clear change of official policy (expressed in the Quadrennial Defence Review) has been undertaken and executed without apparent public explanation.

Opponents to PMCs publish largely on the web and focus on the issues of accountability and the huge costs involved in hiring them. They often state that 25 percent of the \$18 billion apportioned for Iraqi reconstruction will go to PMCs, and that “PMCs [enable] the White House to obscure the actual cost in terms of men and casualties it is taking to sustain the illegal occupation of Iraq.”³²

Doctrine and Military Writings

Current doctrinal writings include FM-100-3, *Contractors on the Battlefield*. This however, relates only to contractors involved in logistic functions. FM-100-3 was itself actually written by a contractor - unlike the majority of Army publications which are produced in-house. Currently no Joint Doctrine exists on PMCs or contractors on the battlefield.

The majority of theses and monographs on contractors and privatization from the various war colleges also relate largely to logistic functions.³³ Opinion is divided amongst them as to the future use of contractors and the role they should play. By far the most anti-PMC writing is by

³¹ Quote refers to the hiring of use of civilian interrogators at the Abu Ghraib prison from the PMC CACI. The contract they were working under was for “inventory management and intelligence analysis.” Ellen McCarthy, “CACI Defense Contracts Hazy on Civilian Authority,” *Washington Post*, 29 July 2004, E5.

³² James Conachy, “Private Military Companies in Iraq: Profiting From Colonialism.” *Axis of Logic*. Available from http://axisoflogic.com/artman/publisher/printer_7202.shtml; Internet, accessed 7 May 2004.

³³ See Carl Buhler, “When Contractors Deploy: A Guide for the Operational Commander” (Newport, RI: Naval War College, 2000), Christopher D. Croft, “Contractors on the Battlefield: Has the Military Accepted too much Risk?” (Monograph. School of Advanced Military Studies, Fort Leavenworth, Kansas, 2001) and Michael McBride, “The Proliferation of Contractors on the Battlefield: A Changing Dynamic that Necessitates a Strategic Review” (Monograph, Carlisle Barracks, PE: U.S. Army War College, 2003).

Bruce Grant of the U.S. Army War College who argues against any use of PMCs by foreign governments saying it “fundamentally redefines the military within society... public trust would become a thing of the past,” essentially arguing that the U.S. military and no one else must fill these roles.³⁴ Policy and practice, it appears, has overtaken his argument.

The Department of Defence Quadrennial Defence Review (QDR) of September 2001 established current U.S. government policy towards PMCs. Although not seemingly contemporary, it is still the most “current” policy document of its nature and essentially sets the conditions for the employment of PMCs. It states: “Functions indirectly linked to warfighting capability must be shared by the public and private sectors. In these areas, DoD will seek to define new models of public-private partnerships to improve performance.”³⁵ Further, “Functions not linked to warfighting and best performed by the private sector... In these areas, DoD will seek to privatize or outsource the entire functions or define new mechanisms with private firms or other public agencies.”³⁶ The QDR refers to warfighting and yet a definition of “warfighting” is not forthcoming in either U.S. Army or Joint publications. A wider understanding of the implications of its use in the previous statement can only be alluded to. It can certainly be posited though that the current level of PMC involvement in the GWOT has severely outpaced the QDR comments. Whether this is a deliberate policy decision, or merely an unplanned response to the lack of security in post-war Iraq, remains to be seen. However, Singer states, “In an era where jointness is the dominant buzzword for transforming the Pentagon, the US military is ignoring a crucial disconnect [regarding the use of PMCs].”³⁷ This leads further to the belief that the rapid

³⁴ Bruce Grant, “U.S. Military Expertise for Sale: Private Military Consultants as a Tool of Foreign Policy.” (Strategy Research Project, U.S. Army War College, 1998), 23.

³⁵ United States Department of Defense. *Quadrennial Defense Review Report*, 2001, 53.

³⁶ *Ibid.*, 54.

³⁷ Peter Singer, “Outsourcing the War.” The Brookings Institution, 16 April 2004 [on-line]; available from <http://www.brook.edu/views/articles/fellows/singer20040416.htm>; Internet; accessed 12 July 2004.

increase of PMC use is a policy decision rather than a knee jerk reaction to an unforeseen operational situation.

The supporting literature enables an assessment of the operational implications of PMCs. Moreover, the literature provides a reference point from which to develop answers to the supplementary questions.

The literature identifies that much money has gone into PMCs but does not counter this by offering that this money has been wisely spent or the outcomes of the increased levels of PMC employment has been seriously considered. A military perspective is yet forthcoming (or freely available) on the implications of PMCs in the form of doctrine or lessons identified.³⁸

The primary and secondary sources provide different perspectives on the extent to which the likely nature of the future employment of PMCs may take. Options for regulation are discussed in detail, as is the further eroding the state's perceived monopoly on violence. The literature allows readers to see the history of PMCs and the image that history has crafted for the industry. Finally, the literature analyzes the contemporary operations of PMCs in Iraq and Afghanistan.

³⁸ Lessons identified is the British Army term for "lessons learned," as they seldom are.

CHAPTER 2

Methodology

The business model of a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) will be used to dissect the current state of the PMC market and highlight failings and opportunities. Significant amounts of material exist to allow the topic to be sufficiently researched, information gathered, analyzed and presented.

This data will allow analysis and synthesis of information relative to military planners at the operational and strategic level. From this analysis, operational implications will be highlighted using the elements of operational design as specified in doctrine. The SWOT analysis is a method readily used in business to perform analysis to assist in the development of strategies.

SWOT Analysis Framework

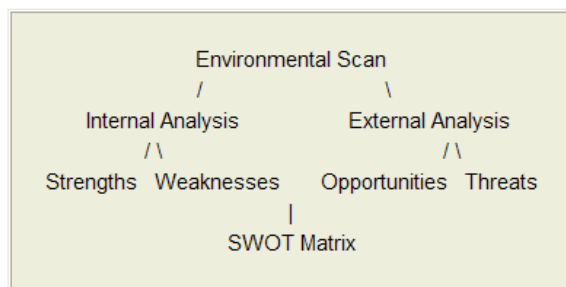


Figure 2. The SWOT Analysis Framework

Source: http://www.mindtools.com/pages/article/newTMC_05.htm

The results of the SWOT analysis will be deconstructed for their operational implications. In examining what is meant by operational implications, the elements of operational design are a utilitarian way of breaking down the issue into its component parts. FM 3-0 lists these elements as End State, Centre of Gravity, Decisive Points and Objects, Lines of Operation,

Culminating point, Operational Reach, Approach and Pauses, Simultaneous and sequential operations, Linear and non-linear operations, and Tempo. Each will be briefly defined below in both U.S. Army and U.S. Joint Doctrine terms (to firstly show the differences and thus possible implications for operations and secondly to allow a balanced view of the factors). How, where and if they relate to the issues of PMCs, will be covered in subsequent chapters.

End-state	At the operational and tactical levels, the conditions that, when achieved, accomplish the mission. At the operational level, these conditions attain the aims set for the campaign or major operation (FM 3-0). The set of required conditions that defines achievement of the commander's objectives (JP 3-18).
Centre of Gravity	Those characteristics capabilities, or sources of power from which a military force derives its freedom of action, physical strength, or will to fight (FM 3-0). Those characteristics, capabilities, or sources of power from which a military force derives its freedom of action, physical strength, or will to fight (JP 3-0).
Decisive Points	A geographic place, specific key event, critical system or function that allows commanders to gain a marked advantage over an enemy and greatly influence the outcome of an attack (FM 3-0). A geographic place, specific key event, critical system, or function that allows commanders to gain a marked advantage over an enemy and greatly influence the outcome of an attack (JP 3-0).
Lines of Operation	Lines that define the directional orientation of the force in time and space in relation to the enemy. They connect the force with its base of operations and its objectives (FM 3-0). Lines that define the directional orientation of the force in time and space in relation to the enemy. They connect the force with its base of operations and its objectives (JP 5-0).
Simultaneous and sequential operations	The Army aims to execute simultaneous operations. They place a premium on intelligence and overwhelming combat power. Sequential operations achieve their end state by phases (FM 3-0). No Joint definition.
Linear and non-linear operations	Describes the difference between operating in non-contiguous areas throughout the AO. Stability and support operations are normally non-linear. They are not mutually exclusive (FM 3-0). No Joint definition.
Operational reach, operational approach and operational pause	PAUSE :A deliberate halt taken to extend operational reach or prevent culmination (FM 3-0). No Joint Definition. REACH: The distance over which military power can be employed decisively (FM 3-0). The distance and duration across which a unit can successfully employ military capabilities (JP 3-0). APPROACH: The manner in which a commander attacks the enemy center of gravity (FM 3-0). No Joint definition
Tempo	The rate of military action. (FM 3-0). No Joint definition.
Culminating Point	In the offense, that point in time and space where the attacker's effective combat power no longer exceeds the defender's, or the attacker's momentum is no longer sustainable, or both. In the defense, that instant at which the defender must withdraw to preserve the force (FM 3-0). The point at which a force no longer has the capability to continue its form of operations, offense or defense. a. In the offense, the point at which continuing the attack is no longer possible and the force must consider reverting to a defensive posture or attempting an operational pause. b. In the defense, the point at which counteroffensive action is no longer possible. (JP 3-0).

Table 1. The Elements of Operational Design.

Sources - Field Manual 3-0, Operations, U.S. Army. Washington, D.C.:
HQ Department of the Army. June 2001, 5-6 and U.S. Department of Defense, Joint Publication
3-0, Doctrine for Joint Operations. Washington, DC: Department of Defense, 2001.

History Of The Privatized Military Market

The history of “hired guns” goes back to the start of the history of conflict.³⁹ In ancient Greece, hired personnel fought for Greek city-states and crewed the triremes of the Athenian navy. Machiavelli writes of the condottieri, the city state mercenaries, in detail and spells out the pitfalls of relying on those “who served whoever would pay, without disgrace.”⁴⁰ Throughout Europe, armies traditionally relied on hired hands to maintain their military strength and it was only in a few regions that citizens of the state became involved in its military affairs.

Following the emergence of the concept of the nation state post the peace of Westphalia in 1648; national armies soon became the norm. Soldiers for hire did not disappear however and remained prevalent in several countries. Private colonial companies, such as the Dutch and English East India Companies, maintained large armies to secure their territories and trade routes, albeit under contract to the governments of their respective countries.

During the American War of Independence, the British government hired a force of some 30,000 Hessian soldiers from Germany to assist in fighting insurgents who themselves hired Prussian advisors to train them in modern military tactics. By the mid-1800s though, the use of hired soldiers was rapidly diminishing. All that really remained in the state-sanctioned arena of note were the French Foreign Legion and the Gurkhas employed by the British Army.

Following the Second World War, the era of decolonization began in earnest and the withdrawal of the colonial powers brought with it opportunities for private military business. Africa, largely at the centre of de-colonialization, witnessed the greatest number of mercenary operations and by the 1990s saw the transition from ad-hoc irregular groupings in the 1950s and 1960s to the more modern Executive Outcome-type companies. The details of mercenary actions

³⁹ A full history of mercenary activities is well covered by Janice E. Thomson in *Mercenaries, Pirates and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe*, (New Jersey: Princeton University Press, 1994).

⁴⁰ Machiavelli, *The Prince*, trans Daniel Donno (New York: Bantam Books, 1984), 27. Condottieri was the Italian name for those hired by the city-states working for “condotta” (companies of mercenaries).

in Africa are too numerous to cover in this paper.⁴¹ Mercenary operations in Africa were the genesis for many of the companies we see today and also for the negative image of the industry, thanks largely to the genre of which films from which came *The Dogs of War* and *The Wild Geese*.⁴²

Civilians working with the military in logistic and service functions grew largely out of the need for specialist advice and skills. From serving on battleships in World War Two maintaining guns and sights, to servicing aircraft during the Vietnam conflict, the presence of contractors has been seen as a force multiplier and a necessity. The key change now though, is the crossing of previously uncrossed lines in the modern field of conflict and the question needs to be asked why? We have seen over history the mercenary move from frontline to support functions and now they are moving back into the realms of the frontline.

Since 1991 and Operation Desert Storm/Desert Shield, the use of PMCs in the U.S. military has grown dramatically. The profusion of companies (many run by former general officers) continues to grow to serve the seemingly insatiable desire to privatize certain functions of the military.

Why PMCs?

Eric Hoffer rightly identified in 1951⁴³ one of the reasons behind the growth of PMCs, that of military downsizing. Several other reasons exist for the existence of these entities and they will be covered in the following sections.

⁴¹ For a full and detailed history of mercenaries in Africa see Musah, Abdel-Fatau and J. Kayode Fayemi (eds). *Mercenaries: An African Security Dilemma*, (London: Pluto Press, 2000).

⁴² John Irvin, dir, *The Dogs of War*, 1981. Andrew V. McLaglen, dir, *The Wild Geese*, 1978. Several key operations are of “headline grabbing” note. Executive Outcome’s fighting and stabilizing Sierra Leone in 1995/96, MPRI’s involvement in training the Croat Army in 1995 and its success against the Serbs in the Krajina in Operation Storm, and Sandline operations in Sierra Leone in 1997/98 that led to a British Government scandal and the so called “Sandline Affair.”

⁴³ See page 17.

Military Downsizing

The end of the cold war resulted in an increase in redundant military manpower. Eben Barlow sums up the situation well: “The end of the cold war left a huge vacuum and I identified a niche in the market.”⁴⁴ The numbers tell it all; in 1969 the U.S. Army had a strength of 1.5 million men and by 1991 that number was less than half.⁴⁵ This was coupled with a reduction in military budgets of around 40 percent. Large numbers of trained individuals were thus available for employment.

There has been a continuing trend in the downsizing and reduction of “tail” units in order to maintain “teeth” units at the required levels. This has created opportunities for PMCs. For example the Canadian armed forces recently outsourced its entire supply chain, including weapons maintenance and transportation to the British firm Tibbett and Britten.⁴⁶

Reductions in force size, however, have paradoxically coincided with a growing demand to intervene in conflicts, especially over the last fifteen or so years. Current U.S. military transformation initiatives are calling for “lighter and more agile forces,” arguably accelerating the trend towards the use of PMCs.⁴⁷ Increasingly, writings are suggesting that foreign policy goals often exceed military capability and sustainability, which again arguably creates further demand for PMCs. Proponents of PMCs argue that as they employ mostly ex-military and especially ex-Special Forces personnel, countries (notably the U.S.) hiring them are simply getting a further return on the original investment they spent in training these people, and at a much cheaper price than using their own military.

⁴⁴ Eben Barlow, former South African soldier and founder of PMC Executive Outcomes, quoted in Peter Singer, *Corporate Warriors: The Rise of The Privatized Military Industry*, (New York: Cornell University Press, 2003), 101.

⁴⁵ These reductions were reflected in militaries around the globe. Since 1988 the Pentagon has closed 97 military installations saving \$17 billion instantly and \$7 billion annually. Mary Cooper, “For Warring Nations, A Tradition of Armies Bought, Not Built,” *Congressional Quarterly Weekly*, 18 September 2004, 2196.

⁴⁶ Peter Singer, “Should Humanitarians Use Private Military Services?” *Humanitarian Affairs Review*, (Summer 2004): 15.

⁴⁷ Stephen Fidler and Thomas Catan, “The Jobs of War,” *Financial Times*, 11 May 2004.

Professor Fredland of the U.S. Naval Academy takes this argument further, maintaining “National defence is very resource costly, so there is potential for large savings by taking advantage of the high-powered incentives residing in market transactions. While the tools used to conduct defense activities - the weapons and support systems - are universally privately produced, public agencies, for the most part, maintained a monopoly on the use of the tools.”⁴⁸

Changes to the Contemporary Operating Environment (COE)

Elke Krahmnn posits that the end of the cold war has given way to the emergence of a new system of “security governance,” that is a shift from state-centered bias and bipolar superpower competition towards a complex system of functionally differentiated networks which involve public and private actors at multiple levels; essentially a shift from government to governance.⁴⁹

Michael Evans of the Royal Military College of Australia, sees much the same thing but puts it:

In the 1990s there appears to have been a major transition in international relations away from a mainly state centered system toward one marked by greater interdependence and interconnectedness. Together these two forces appeared to have altered the context within which modern states operate, bringing about an apparent redistribution of power among states, markets and civil society.⁵⁰

Fundamentally, demand for PMCs was created by the international community’s failure to meet demands for assistance coming from many third world states.⁵¹ There pervaded at one time a lesser willingness to undertake peacekeeping missions by Western nations in the light of the failed mission to Somalia and the “Balkan quagmire.” PMCs offered countries opportunities for action whilst many stood still. For example, the UN considered using a PMC to intervene in

⁴⁸ Eric Fredland, “Outsourcing Military Force: A Transactions Cost Perspective on the Role of Military Companies,” *Defence and Peace Economics* 15, no. 3 (June 2004): 210.

⁴⁹ Governance is defined by Krahmnn as the structure and processes which enable a set of public and private actors within a specific issue area to coordinate their interdependent needs and interests through the making and implementation of binding policy decisions in the absence of central political authority. Elke Krahmnn, “Private Firms and the New Security Governance.” *Cooperation and Conflict* 38, no.1 (March 2002): 8.

⁵⁰ Micheal Evans, “From Kadesh to Kandahar,” *Naval War College Review* LVI, no.3 (Summer 2003), 133.

⁵¹ Timothy Spicer, *An Unorthodox Soldier* (Edinburgh, UK: Mainstream Publishing Company, 1999), 52.

the Rwandan genocide in the mid-1990s. UN Secretary General Kofi Annan decided against it saying, “The world may not be ready to privatize peace.”⁵²

In these conditions of reduced international willingness, PMCs allowed intervention in areas where governments and most companies feared to go. Governments can send PMCs where it cannot officially send its own troops, and it is able to further its foreign policy goals. Furthermore, PMCs operate in a realm of limited oversight and debate and they often give governments the ability to deny direct participation. There is however no hiding some obvious foreign policy goals and it can paradoxically lead to what Paul Jackson of the International Development Department at Birmingham University, calls a “subversive foreign policy without responsibility.” He continues, “The failure of the U.S. to commit ground troops to the Balkans, while at the same time supporting the activities of MPRI, amounted to the U.S. pursuing foreign policy objectives without deploying its own army, and being subject to the accountability that would have been demanded.”⁵³ The bottom line is that less attention is paid to dead contractors than dead soldiers.⁵⁴ According to Krahmman, the current rise of the PMC market is no surprise, she writes that “the provision of centralized security ... seems to have been the exception rather than the rule, in geographical as well as historical terms.”⁵⁵ Adding to this is the perceived reduction of the state’s loss of the monopoly on violence. Singer concludes, “The industry’s general prosperity is a direct result of the weakening of state controls, not only in certain geographic zones of the world, but also over certain functional military areas.”⁵⁶

The relevance of PMCs hired by the U.S. government during Operation Iraqi Freedom (OIF) is influenced by the fact that of the thirty-one troop-contributing nations helping in Iraq,

⁵² André Verlöy, “Making a Killing,” *New Internationalist* 367 (May 2004): 23.

⁵³ Paul Jackson, “War is Much Too Serious Thing to be Left to Military Men: Private Military Companies, Combat and Regulation.” *Civil Wars* 5, no. 4 (Winter 2002): 36.

⁵⁴ No accurate figures exist for the number of PMC employees killed and injured as no one agency is responsible for coordinating their activities.

⁵⁵ Elke Krahmman, “Private Firms and the New Security Governance,” *Cooperation and Conflict* (March 2002): 11.

⁵⁶ Peter Singer, *Corporate Warriors: The Rise of The Privatized Military Industry* (New York: Cornell University Press, 2003), 170.

only six of those have over 500 troops deployed. The rest will thus not have the full range of support facilities available and, political benefits aside, and can oft be seen as a distraction. Christopher Spearin of the Canadian Forces College contends that contractors have greater importance than these nations in preserving the U.S.-led presence.⁵⁷ Add to this the fact that PMCs collectively are now the second largest coalition entity on the ground in Iraq, and their relevance is clearly apparent.

Economic Reasons

PMCs are characterized now by a low level of permanent employees and a low asset base, hiring forces only when and where they need them in order to minimize running costs. They are also able to quickly put forces into the field. Executive Outcomes (EO) in 1998 reportedly had a full time staff of thirty but could mobilize a full infantry battalion in around fifteen days.⁵⁸ In addition EO could raise up to 2000 more soldiers.⁵⁹ MPRI maintains a database of 12,500 personnel, 95 percent of which are ex-U.S. Army. To Singer, “The private military industry revolves around an unusual synthesis of economic motivations and political military exigencies,”⁶⁰ and to Mulholland of *Jane’s Defence Weekly*, “proponents of outsourcing argue that turning over activities to contractors saves the government money because it enables the military to maintain a smaller force by harnessing the greater efficiency of the private sector.”⁶¹ Further advocates of outsourcing argue that it simultaneously maintains high levels of service, saves the military money, and lets private companies turn a profit.

The economics of outsourcing are not always as clear-cut as they may first appear. The privatization of public services in the past has raised many concerns about the viability of the

⁵⁷ Christopher Spearin, “The Emperor’s Leased Clothes: Military Contractors and Their Implications in Combating International Terrorism.” *International Politics* 41, no. 2 (June 2004): 253.

⁵⁸ Herbert Howe, “Global Order and Security Privatization.” *National Defence University Strategic Forum*, no. 140 (May 1998): 4.

⁵⁹ Peter Singer, *Corporate Warriors: The Rise of The Privatized Military Industry* (New York: Cornell University Press, 2003), 105.

⁶⁰ *Ibid.*, 151.

⁶¹ David Mulholland, “Halliburton Row Fuels Outsourcing Concern.” *Jane’s Defence Weekly*, 3 Dec 2003, 31.

process in that it can (obviously) succeed and fail.⁶² Coupled with this can be the error of poor contract specification and monitoring. Numerous cases exist of PMCs attempting to make money illegally by exceeding the parameters of their contracts. “Cost-plus” contracts, that is those where contractors charge customers for their expenditure plus an agreed percentage (typically around 2 percent), can also lead to huge cost overruns if not adequately administered. These contracts produce no incentive whatsoever for companies or their sub-contractors to reduce costs or operate efficiently.

The use of PMCs in the U.S. military has evolved and grown over the last twenty years. Beginning with the outsourcing of logistic tasks that peaked with the LOGCAP function, contractors are now starting to encroach on the traditional “core tasks” the military so highly values.⁶³ Myriad reasons exist for this position and several well held ideas underpin this state of affairs. The use of PMCs will continue to expand (in line with U.S. DoD policy), more traditional military roles will be eroded, and there will be a further dilution of the once perceived state monopoly as the keepers and providers of violence and security.

⁶² Ann Markusen, “The Case Against Privatizing National Security.” *Governance* 16, no. 4 (October 2003). Markusen states that privatization alone is not sufficient to warrant efficiencies. She argues that it is the presence of competition that drives efficiencies. Her paper is somewhat overtaken by events as she dismisses out of hand the contracting out of combat operations. A phenomenon now witnessed in Iraq.

⁶³ The Logistics Civil Augmentation Program (LOGCAP) is a U.S. Army initiative for peacetime planning for the use of civilian contractors in wartime and other contingencies. These contractors perform selected services to support U.S. forces in support of DoD missions. Use of contractors in a theater of operations allows the release of military units for other missions or to fill support shortfalls. This program provides the Army with additional means to adequately support the current and programmed forces. See <http://www.amc.army.mil/logcap>.

CHAPTER 3

The primary research question asks what are the operational implications of private military companies in the global war on terror? Before answering this question, it is necessary to examine several supplementary questions, the answers to which will provide the framework and evidence for discussion of the primary question. The first of these questions addresses the industry as a whole, and in adding to the work in the previous chapter, will highlight the strengths and weaknesses of the PMC industry. In essence, what do they bring to the fight and what are their immediate shortcomings?

Strengths

PMCs are businesses and as such exist to make money. Future business is essential to their survival and thus it is incumbent upon them to perform well, fulfill expectations, obtain repeat business, and maintain a positive image of the business as a whole. Repeat business alone is why many in the industry see no need for regulation. They see “self policing” as inherent in the very nature of the PMC business and all that is necessary to maintain order, standards and legitimacy. Informal professional bodies also exist to establish codes of conduct and forums for discussion etc.⁶⁴

The employment of PMCs can bring many benefits. Ex-military officers run a great number of the companies and as such they have a reasonable understanding of the nature of military operations in an environment of conflict. Many recently retired officers who work for PMCs maintain good contacts with those still serving in the military, should be up to date on current thinking, and are often able to reach back for advice or information if necessary.

⁶⁴ The International Peace Operations Association (IPOA) is such a body. It claims that, “The association was founded to institute industry-wide standards and a code of conduct, maintain sound professional and military practices, educate the public and policy-makers on the industry's activities and potential, and ensure the humanitarian use of private peace keeping services for the benefit of international peace and human security.” Members of the IPOA include MPRI, Armor Group and Air Scan. See <http://www.ipoaonline.org/>. The impartiality of such associations must however be questioned.

PMCs can be viewed differently than national militaries by those involved in crises. Often PMCs are able to demonstrate objectivity as opposed to having a perceived political bias and accompanying baggage in support of a specific mandate. In a peacekeeping scenario this can often be a major force multiplier.

At first examination, PMCs seem very tactical in nature, and seem to provide solutions to only tactical problems. The more they are examined however, they can be seen as tools of *de facto* foreign policy. PMCs also offer short notice buffers for systems that are not “well buffered.”⁶⁵

The capabilities offered by PMCs are myriad and in many cases are available more rapidly than those using normal military channels. Speed is often a premium in the peace keeping and nation building arenas. In the field of intelligence gathering and analysis, private companies have often proved to be quicker than many government organizations.⁶⁶

The capability of many NATO nations to get to a crisis in good time and in good order is seriously lacking. Many PMCs pride themselves on the speed of their responses and it has become one of the key benchmarks in the industry. Custer Battles, a PMC from McClean Virginia, won the contract to guard Baghdad airport in 2003 by agreeing to get the contract underway in just twenty-one days. It seems that this factor alone got them the contract. Add to this the all round flexibility of PMCs and often they can appear more utilitarian than many NATO countries in mounting and sustaining expeditionary operations and working as part of a coalition. Freedman of King’s College London, even argues with respect to assets, deployability and ability

⁶⁵ Buffering is an analogy of Dietrich Dörner. Systems that are well buffered can absorb a lot of abuse and yet remain workable, that is they have considerable inherent redundancy. The employment of PMCs improves the buffering of the military system - at least in the short term. *The Logic of Failure* (New York: Metropolitan Books, 1996), 138.

⁶⁶ In 1995, for example, the CIA held a competition on information gathering for a fictional operation. A private company won and the CIA’s team was last. See Singer 2003, 99-100.

“that military contractors are ever more becoming a serious ally of the United States.”⁶⁷ Political arguments aside, from a practical point of view it then may follow that only those allies of the U.S. that are technically up to the job and modern enough to be interoperable, will be taken seriously in the future. Spearin also adds that many contractors are more interoperable than many of the allies of the U.S., contending that many existing alliance structures serve only to add barriers to operations and often promote lowest common denominator agreements, a trend made clear even before the operations in Iraq began in places such as Kosovo and Bosnia.⁶⁸ Many countries may wish to assist in coalition operations and often a promise of troops is not sufficient if they cannot get to a theatre and sustain themselves once there. He suggests the response to the NATO request for forces following the Article V evocation for Afghanistan was “underwhelming.”⁶⁹

Singer highlights that in Iraq, PMCs cover many areas that the military is simply too overstretched to deal with. In many cases he suggests it is actually easier to hire contractors to do work and by pass “red tape,” than to go through the usual processes.⁷⁰

PMCs can be extremely cost effective and in an era of tighter budgetary control, they can offer tremendous savings in many areas. The *Financial Times* suggests that Executive Outcomes (EO) had running costs at 4 percent those of the United Nations (UN) and their contract with the government of Valentine Strasser in Sierra Leone cost between \$35 million and \$60 million. The UN had operating costs of \$607 million a year.⁷¹ The EO operation restored stability to Sierra Leone and set the conditions for free elections, as well as surprising all observers as to the speed and success of the operation. Few PMCs maintain a large fulltime staff and are able through the

⁶⁷ Lawrence Freedman, “The Revolution in Strategic Affairs,” *Adelphi Paper* 318, International Institute of Strategic Studies (April 1998): 23.

⁶⁸ Christopher Spearin, “American Hegemony Incorporated: The Importance of Military Contractors in Iraq,” *Contemporary Security Policy* 24, no. 3 (December 2003): 35

⁶⁹ *Ibid.*, 251.

⁷⁰ Peter Singer, “Security Analyst Peter Singer,” interview by Terry Gross (11 May 2004), *Fresh Air*, National Public Radio.

⁷¹ Stuart McGhie, “Briefing: Private Military Contractors,” *Jane’s Defence Weekly* 37, no. 21 (22 May 2002): 24.

retention of “associates” to sustain a ready field of qualified expert personnel that can be sifted through in short shrift to select teams capable of fulfilling specific contracts. At a contract’s end, the money flow will cease and governments are not burdened with the costs of redeployment, housing, medical expenses and pensions. The failure to respond by the UN to many problems in an effective and timely manner only adds to the argument that PMCs provide a potential alternative for stability and support operations, reinforcing the opinion of writer Robert Kaplan in 2000 that “the world’s most efficient peace keeping force belongs not to the UN or even to the great powers but to ... Executive Outcomes.”⁷²

Determination to use PMCs is further demonstrated by the fact that the U.S. government is seeking similar exemptions for PMCs to what its armed forces get from Article 98 of the International Criminal Court.⁷³ These legal guarantees can be seen by PMCs as good for business as it demonstrates government commitment to their future use. This may well backfire though as Colombia recently refused to capitulate to the above exemption for non-military personnel and as a consequence the U.S. cut off funding for military assistance in July 2003, ergo money to hire PMCs to operate in Colombia.⁷⁴

Contractors are not counted under a force cap. Use of PMCs is a way of increasing the deployed capability whilst remaining inside the force cap. For example, PMCs hired for operations in Colombia to fly border patrols and train the Colombian military do not fall under the 400 men U.S. force cap in that country originally put in place by the Clinton administration. The extra 15-20,000 men deployed from PMCs in Iraq do not come under the force cap and significantly; many of them are not paid for out of the DoD budget as they are contracted by other government departments.

⁷² Robert Kaplan, *The Coming Anarchy* (New York: Random House, 2000), 81.

⁷³ Exemptions from Article 98 mean that U.S. armed forces cannot be tried for crimes committed on operations by the country in which the crimes occurred.

⁷⁴ Christopher Spearin, “The Emperor’s Leased Clothes: Military Contractors and Their Implications in Combating International Terrorism.” *International Politics* 41, no. 2 (June 2004): 255.

Weaknesses

A pervasive negative image exists regarding those involved in what appear to be military-type operations outside the sphere of the legitimate military forces of a nation state. This difficult to overcome image exists largely due to the legacy of mercenary actions in the 1960s and 1970s (mostly) in Africa and somewhat thanks to the media and Hollywood. This situation is further inflamed now given the tacit acceptance of the PMC as a legitimate entity in the foreign policy arena (for example the mentioning of contractors in the QDR). It is oft suggested that the U.S. government is simply using PMCs to exercise foreign policy away from oversight, regulation, out of the arena of public debate.⁷⁵

Some perceive that given that PMCs are motivated solely by money, they may have a vested interest in prolonging and maintaining a given conflict to maximize their profitability. Countering this is the view that to survive through future business, PMCs need a reliable reputation and proven track record. The increasing awareness of the utility of PMCs by policy makers and legislators though will ideally drive the demand for increased oversight and value for money, which will negate much of this concern.

Bureaucratic delays can negate one of the key strengths of PMCs - their ability to deploy quickly. Given that the time imperative in many crises is critical, mission failure may result from such delays. UN pontification and lack of U.S. support prevented a proposed deployment of Sandline to Rwanda in 1996 on peacekeeping duties during the civil conflict. Sandline does not claim they would have stopped the killing but some of the 700,000 to 1 million deaths could have

⁷⁵ Peter Singer accuses Donald Rumsfeld of holding back the truth on the use of PMCs. In a reply to letter from Congressman Ike Skelton asking about PMCs, the Secretary of Defence replied playing down the use of PMCs and in his attached list of those companies being used, he failed to include Titan and CACI. Both these companies had employees at Abu Gharib accused of involvement in prisoner abuse. "Book Traces Military-Industrial Complex," interview by Robert Siegel (3 May 2004), *All Things Considered*, National Public Radio.

been prevented with the deployment of as few as 5000 men⁷⁶. Perceptions need to be altered to fully allow PMCs to be accepted in certain key roles where they may well be able to contribute.⁷⁷ The idea that national militaries are the only entities that can become involved in conflict can severely hamper PMC involvement in peacekeeping and peace enforcing operations.

Despite the ability of PMCs to maintain a surge capability, the growth of the PMC market in Iraq caught many by surprise. The demand for PMC services outstripped the available capacity and this resulted in a rapid and widespread expansion of the industry. Many start-up companies obtained work in Iraq and the numbers of personnel needed could not be found from the usual sources. Consequently, a dilution of the quality level of those normally employed has been observed. Many have not met the alleged usual self-imposed standards of the industry. In the case of the Abu Gharib prison contract, the interrogators that CACI offered the DoD were supposed to be trained interrogators with secret security clearance.⁷⁸ The Taguba report in response to the alleged abuses at the prison found that some of those employed by CACI had neither security clearance nor training as interrogators.⁷⁹ One interrogator was found to be truck driver. Lack of supervision remains one of the major problems with PMCs and the fact that the hiring of “interrogators” is contradictory to current doctrine, in that contractors “should not perform mission essential roles,” of which arguably, interrogation of enemy combatants is.⁸⁰

Former Special Forces soldiers working for PMCs typically earn \$800-\$1500 per day in Iraq.⁸¹ Some companies, in order to reduce costs and in the absence of alternatives, have been hiring ex-British Army Gurkhas from Nepal and former Fijian soldiers and paying them a lot less.

⁷⁶ Mike Denning, “A Prayer for Marie: Creating an Effective African Standby Force,” *Parameters* 34, no. 4 (Winter 2004-5): 102.

⁷⁷ Stephen Fidler and Thomas Catán, “The Jobs of War,” *Financial Times*, 10 August 2003.

⁷⁸ Consolidated Analysis Centers Incorporated is a PMC involved primarily in technology issues. It has branched out into various areas, including the provision of interrogators.

⁷⁹ Extracts of the Taguba report are available in open sources on the net. See <http://www.agonist.org/annex/taguba.htm>. The report also cites “egregious acts and grave breeches of international law.”

⁸⁰ United States Department of Defense. *Quadrennial Defense Review Report*, 2001, 53.

⁸¹ For example, a four-man ex-SAS security team costs around \$5000 per day. “The Baghdad Boom,” *The Economist* 370, no. 8368 (27 May 2004), 55.

Other companies have resorted to hiring from a hard core of “unsavory” individuals with checkered pasts, the implications of which are far reaching.⁸²

PMCs have enjoyed over the last few years a *de facto* non-combatant status. Recent events such as the killing of four Blackwater security contractors in Fallujah on 31 March 2004 have certainly removed this assumption from the minds of those working for PMCs. Implications now arise over where the line is drawn in the combatant/non-combatant status of PMC employees and indeed their recognition as such by various parties.

The apparent lack of accountability of PMCs can be seen as either a strength or a weakness depending from where the issue is viewed. PMC personnel largely work in a “legal black hole,” especially in Iraq. Not only was immunity given to them by Paul Bremmer, head of the Coalition Provisional Authority before the transition of authority, but little seems to have changed in the interim. The whole issue of regulation is complex and many governments appear to dodge the issue. South Africa is one of the few countries with regulations in place concerning the use of PMCs. The regulation issue will be covered further in the next chapter.

From a military perspective the weaknesses of the PMC industry raise several issues. Firstly, PMCs have a different, and often convoluted chain of command. They are responsible primarily to their employers and their contract. The corporate and individual levels of responsibility wield more power than they do in the military. Secondly, they are not part of the military even though they are often part of military operations. Finally remains the issue that PMC employees are held to different standards of accountability than the military personnel they

⁸² Erinys, a U.K. PMC, hired Francois Strydom and Deon Gouws who both have links to former South African Police and counterinsurgency units from the apartheid regime. Strydom was unfortunately killed by a roadside bomb in Baghdad. A former British soldier hired by Armor Group was exposed by an Irish newspaper as having been thrown out of the British Army for involvement with the IRA. He had been working in and around British bases in Basra.

are working alongside and the morale effects this can have.⁸³ The credibility of the industry is very much at stake over these types of issues.

⁸³ Army personnel from Abu Gharib have faced the full weight of the Uniform Code of Military Justice. Six soldiers are facing court-martial and a further seventeen have been suspended from duty. CACI/Titan employees have faced nothing so far. Peter Singer, "Book Traces Military-Industrial Complex," interview by Robert Siegel (3 May 2004), *All Things Considered*, National Public Radio.

CHAPTER 4

This chapter will build on the previous chapter in examining several supplementary questions to provide the framework and evidence for discussion of the primary question. In addressing the “military provider” area of the industry, this chapter will highlight the opportunities and threats facing the PMC industry.

Opportunities

Since 1994, the U.S. DoD has entered into 3601 contracts with twelve PMCs worth over \$300 billion. Since the commencement of the GWOT, in simplistic terms, the expectations of U.S. foreign policy versus capabilities of the U.S. military can only mean more business for PMCs given the oft complained “overstretch” of U.S. forces and the avowed policy of not using the draft by the Bush administration. According to D.B. Des Roches, spokesman for the Pentagon’s Defence Security Cooperation Agency, “the war on terrorism is the full employment act for these guys.”⁸⁴ The market appears ready for wider employment of PMCs and the key for companies to access future international contracts will be to develop good reputations for efficiency, ethics and humanitarianism.⁸⁵

Since the tacit acceptance by the U.S. government in the 1990s of the utility of PMCs, despite many opinions to the contrary, the political climate is now such, as is the attitude to privatization, that the utilization of these companies is politically acceptable and is widely supported.⁸⁶ Companies are rushing to take the opportunities presented to them by the DoD not only overseas, but also in the Continental United States. For example, the DoD contracts out 4300

⁸⁴ Esther Schrader, “US Companies Hired to Train Foreign Armies,” *Los Angeles Times*, 14 April 2002.

⁸⁵ Doug Brooks, “Messiahs or Mercenaries? The Future of International Private Military Services.” *International Peacekeeping: Managing Armed Conflicts in the 21st Century* 7, no. 4 (Winter 2000): 141.

⁸⁶ Arguably the first instance of tacit acceptance of PMCs occurred in the mid-1970s with the Vinnell Corporation gaining congressional approval to train the Saudi Armed Forces. See Dan Briody, *The Iron Triangle: Inside the Secret World of the Carlyle Group*. New Jersey: John Wiley and Sons, 2003.

private security jobs to guard Army bases in contracts worth around \$1.2 billion. This fact has raised concern amongst the Senate Armed Services committee, especially over the guarding of sensitive sites that contain, for example, chemical and nuclear weapons.⁸⁷

Regarding the question of regulation, it is important to remember that PMCs are filling a role that governments have wanted filled due to reductions in their standing capability.

Developing states will continue to have a need for these companies irrespective of possible international constraints.⁸⁸ PMCs arguably provide a better way to deal with transnational threats that call for paramilitary type operations that the U.S. government is unequipped to fight. Capabilities such as offensive information warfare, for example, represent a non-core activity that poses a cultural problem for the military. PMCs in very specialized fields allow the military to maintain its core competencies and not focus on fringe activities for which it may not be suited.⁸⁹ In many specialized functions, PMCs may even provide a better service than the military (see footnote 63).

The task of providing stability forces in the aftermath of a conventional fight is a task that the U.S. military has proved ill-equipped, ill-trained and unable to perform adequately. The lack of “constabulary” type soldiering and the failure to secure the economic and infrastructure assets of Iraq has “led to widespread destruction and a devastating loss of momentum and moral authority.”⁹⁰ Dedicated PMC forces could have been given these tasks early on in the planning, thus freeing up soldiers for other tasks. The destruction of much needed infrastructure had a serious impact on operations. Employment of PMCs can operationally reduce the number of military personnel required, minimize the need to call up reservists, lessen the publicity directed

⁸⁷ T. Christian Miller, “Army Turns to Private Guards,” *Los Angeles Times*, 12 August 2004, 1.

⁸⁸ Kevin O’Brien, “PMCs, Myths and Mercenaries: The Debate on Private Military Companies,” *Journal of The Royal United Services Institute for Defence Studies* 145, no. 1 (2000): 63.

⁸⁹ Eugene B. Smith, “The New Condottieri and US Policy: The Privatization of Conflict and Its Implications,” *Parameters* 32, no. 4 (Winter 2002-03): 104.

⁹⁰ Robert Orr, *Winning the Peace: An American Strategy for Post-Conflict Reconstruction* (Washington D.C.: Centre for Strategic and International Studies Press, 2004), 298.

at the deaths of “Americans,” and still allow for a substantial pursuit of U.S. foreign policy goals overseas.⁹¹ Over 100 military contractors have been killed so far in Iraq and around 300 injured. These 350 casualties do not appear in the public record.⁹² Deaths of contractors typically receive scant public attention - such as those killed while conducting counter-drug operations in Columbia with DynCorp.

One of the starkest and most contentious developments in 2004 has been the seeming move to put in place some sort of control and coordination structure on the operations of PMCs in Iraq. In May, a contract was awarded to the British company Aegis Defense Services by the U.S. government. The contract was set up to provide services including the forming a “clearing house” for intelligence information and acting as a coordination hub for the fifty or so PMCs and contractors in theatre. This will hopefully save lives and lead to better operations.⁹³ In vetting those deploying to theatre, via Aegis, the DoD is effectively imposing some regulation on the market, that is, a *de facto* form of regulation. This should be welcomed. Sadly, much of the publicity regarding this development appears to be negative, for a variety of reasons. Firstly, Aegis is a British company and U.S. companies are upset at missing the business. Perhaps hiring a British company to oversee the others is exactly the point in that they may be easier to maintain objectivity while remaining free from any possible U.S. political ties. Secondly, Aegis is a new company with no track record in this field.⁹⁴ Thirdly, the company won the contract in a very quick bidding process and won a “cost-plus” contract that many see as open to abuse and spiraling costs. Critics felt the bidding process was cut short, removing proper oversight; Aegis

⁹¹ Of note is the U.S. forces withdrawal from Saudi Arabia in 2003 but the leaving behind of a sizeable PMC contingent; the *de facto* force.

⁹² Peter Singer, “Book Traces Military-Industrial Complex,” interview by Robert Siegel (3 May 2004), *All Things Considered*, National Public Radio.

⁹³ Matthew Quirk, “Private Military Contractors: A buyer's guide,” *The Atlantic* 294, no. 2 (September 2004): 39. Aegis Defense Services received a contract for providing security for the Program Management Office monitoring the reconstruction effort in Iraq for \$293 million for three years (2004). The contract calls for up to seventy-five two-man security teams trained in “mobile vehicle warfare” and “counter-sniping,” and puts Aegis in charge of coordinating all the private security contractors in Iraq.

⁹⁴ Less than a few years old, Aegis worked primarily on maritime issues, not security work.

does not appear on the DoD's list of recommended security companies. According to the BBC, "Two things make the appointment controversial. Aegis has no experience of operations on this scale, or even in Iraq. And the firm is led by Tim Spicer..."⁹⁵ Companies who feel they should have won the contract have launched appeals to have the decision redressed through both direct political means via friendly politicians, and through the various lobby groups they employ to influence policy and contracts. The situation remains unresolved although investigations into the issue are ongoing.

Several high profile examples of reluctance by the international community and the United Nations to intervene in the affairs of failing poor countries has raised questions about their ability to do so effectively in a timely fashion. PMCs offer countries, on both sides, possible solutions to some of these events. An understanding of the capability of PMCs here may offer a suitable alternative to the use of national militaries in this role.⁹⁶

As militaries continue to get smaller and the U.S. military marches along its road to transformation which will give it a more deployable capability with less logistic tail, opportunities for PMCs will continue to grow. Despite the industry's stated need to do well, this may not even be necessary given the repeat business many of the worst companies seem to receive. Often a well-timed and priced bid, a friendly Congressman, and the services of a D.C. lobby firm, are possibly all that is needed. Military involvement in the creation of PMC doctrine, contracts and oversight, needs to be heavily considered.

Threats

Businesses are now important actors in the military sphere. The deeply held convictions that modern states maintain a monopoly on the legitimate use of force is now being questioned

⁹⁵ Timothy Spicer, one time Scots Guards and SAS Officer headed the infamous PMC Sandline that rose to notoriety during the Sandline affair and alleged arms smuggling. Jeremy Scott-Joynt, "Iraqi Security in Private Hands," BBC News, 28 Jun 2004 [on-line]; available from <http://news.bbc.co.uk/1/hi/business/3842561.stm>; Internet; accessed 19 Jul 2004.

⁹⁶ Sandline submitted a bid to deploy to Rwanda and ease the genocide there in 1996. See Ch. 3.

and the current situation “challenges the traditional norms of statecraft and common expectations about the projection of violence beyond a state’s borders.”⁹⁷ Although not a new concept, the level of use of PMCs challenges current mental models and is not a situation many in the military and the government are comfortable with.

Several key issues arise from examining contemporary writings regarding threats. Firstly is the political interest in PMCs. Interest on Capitol Hill is widespread and the contracts offered are feverishly fought over, often with tacit approval and support coming from elected members.⁹⁸ Secondly, the PMC industry has co-opted several political lobby firms of note to influence policymakers in Washington D.C.⁹⁹ Finally, despite the amounts of money being thrown at PMC contracts, and all the noise being raised by policy makers, little seems to be being done to ensure more control of the contracting procedure and increase the control and transparency of the operations of PMCs.

Some concern has been raised over the fact that PMCs can be thought of as “new powers” and may have unwarranted and ungoverned capability. Currently this can be discounted for several reasons. The military power of PMCs is tiny in relation to even most third world countries. Secondly, nation states remain the locus of legal authority and are likely to remain so for the foreseeable future. Political-military strategist Dr Thomas Adams supports this by stating

⁹⁷ Christopher Spearin, “The Emperor’s Leased Clothes: Military Contractors and Their Implications in Combating International Terrorism.” *International Politics* 41, no. 2 (June 2004): 260.

⁹⁸ Congressman Pete Sessions has personally lobbied Defense Secretary Rumsfeld regarding the awarding of a contract to Aegis, a British PMC after Texas based PMC DynCorp were not awarded the contract. Congressman Sessions is a Texas Republican. Mary Fitzgerald, “U.S. Contract to British Firm Sparks Irish American Protest,” *New York Times*, 9 August 2004, 13.

⁹⁹ An analysis shows that seventeen of the nation’s leading private military firms have invested more than \$12.4 million in congressional and presidential campaigns since 1999. Firms also maintain platoons of Washington lobbyists to help keep government contracts headed their way. In 2001, according to the most recent federal disclosure forms, ten private military companies spent more than \$32 million on lobbying. DynCorp retained two lobbying firms that year to successfully block a bill that would have forced federal agencies to justify private contracts on cost-saving grounds. MPRI’s parent company, L-3 Communications, had more than a dozen lobbyists working on its behalf, including Linda Daschle, wife of [the now former] Senate Minority Leader Tom Daschle. Last year L-3 won \$1.7 billion in Defense Department contracts. Barry Yeoman, “Soldiers of Good Fortune,” *Independent Weekly* (23 July 2003): 1.

that there are no examples of PMCs operating against their parent nation, or even operating without its consent.¹⁰⁰

In the business world, there is often a tendency for larger firms to take-over smaller competitors. This has the possibility for the creation of a monopoly in the PMC industry. Many of the current large PMCs are conglomerations of bought-out smaller companies. Purchasing an established PMC gives a company access to previously lucrative untapped markets and access to governmental influence. The growth of the power of PMCs, unless checked, will create corporate entities with potentially much more than just economic power.

The PMC market has received a lot of criticism from journalists over instances of cronyism. This is an easy assertion to make considering the number of retired four-star generals employed by MPRI and other companies. The limited number of companies available for hire will arguably prevent free market forces from operating, thus stifling competition which is the major factor in producing efficiencies. The limited market problem is exacerbated when contract bids are wired to politically connected firms such as MPRI and Halliburton. The current political lobby for PMCs is very strong. Deborah Avant of George Washington University suggests that the array of retired military officers gives undue credence in the eyes of the DoD, State department and members of Congress, to PMC lobbying efforts.¹⁰¹ In 2001, the ten leading PMCs spent more than \$32million on lobbying and \$12million on political campaign donations.¹⁰² Ann Markusen addresses the issue of the advantages of outsourcing and in comparing the privatization of government services such as prisons to defence; she claims that economies are brought about by the presence of competition in the market. Currently there is little or no competition in the

¹⁰⁰ Thomas K. Adams, "The New Mercenaries and the Privatization of Conflict," *Parameters* 29, no. 2 (Summer 1999): 102.

¹⁰¹ Deborah Avant, "Privatizing Military Training," *Foreign Policy In Focus* 7, no. 6 (May 2002), 2.

¹⁰² Peter Singer, "Warriors for Hire in Iraq." The Brookings Institution, 15 April 2004 [on-line]; available from <http://www.brook.edu/views/articles/fellows/singer20040415.htm>; Internet; accessed 12 July 2004, 2.

PMC market.¹⁰³ Greater oversight and regulation is necessary to give the industry more legitimacy.

PMCs can ferment upset and even cause revolution in the hiring country. Use of a PMC can be seen as an *ipso facto* judgement by a government on the ability of its own military. Currently in Iraq this appears not to be an issue for the U.S. military itself, as it is heavily committed, but PMCs could be seen to be undermining the legitimacy of the new Iraqi armed forces. In Papua New Guinea, for example, the government's hiring of Sandline in 1997 caused many problems that resulted in a rapid decline in civil-military relations.¹⁰⁴

The U.S. military could be justified for feeling that money spent on PMCs would be better spent on itself. That money could arguably be spent on increasing the size of the military. This may even lead to a spirit of lack of cooperation in the area of operations with PMCs. The presence of PMCs is often insulting to the professionalism of the military who feel they should be the ones doing the tasks given to contractors. In particular, any backlash to the presence or actions of contractors will have to be dealt with by the military, over the long term.¹⁰⁵ A fact that is not lost on the military. The military is also obliged to assist when PMC employees come under attack. The double-edged sword aspect of PMCs is that although their presence is now necessary, the need to protect them and isolate them may prevent both soldiers and PMCs from sufficient interaction with (for example) the Iraqi population to build a consensus and reinforce the human side of nation-building.¹⁰⁶

PMCs can have effects on civil-military relations and between the soldier and the state. This is not currently seen as problem but with further increases in the roles and sizes of PMCs, it

¹⁰³ Ann Markusen, "The Case Against Privatizing National Security," *Governance* 16, no. 4 (Oct 2003): 17. Ann Markusen is director of the Project on Regional and Industrial Economics at Rutgers University and a senior fellow at the Council on Foreign Relations.

¹⁰⁴ Singer 2003, 194.

¹⁰⁵ Ideas adapted from those expressed by the army of PNG following Operation Contravene, run by Sandline, 1996-1997. *Ibid.*, 194. The killings in Fallujah and the military response reinforce this point.

¹⁰⁶ Christopher Spearin, "American Hegemony Incorporated: The Importance of Military Contractors in Iraq." *Contemporary Security Policy* 24, no. 3 (December 2003): 41.

may well become an issue. Bruce Grant from the U.S. Army War College views it from a worst-case scenario, “When former officers sell their skills on the international market for profit, the entire profession loses its moral high ground with the American people.”¹⁰⁷

Despite the rhetoric from the DoD, outsourcing has not always been shown to be a cost saving action and may even be more expensive. Deborah Avant sees it as a short-term benefit only, “Privatizing military training (referring here largely to education) may weaken the U.S. armed forces’ expertise and capacity for engagement. Using private contractors may facilitate implementing the war on terrorism in the short run, but it diminishes investment in public institutions.”¹⁰⁸ Experience from working with logistic PMCs has shown repeatedly that governments are overcharged on contracts.¹⁰⁹ PMCs though, provide a cheaper alternative to increased force levels. The 20,000 contractors in Iraq represent 1/8 of the total deployed force there. This frees up many of the 140,000 deployed U.S. troops to focus their efforts on the issues at hand, in a cheaper manner than having 20,000 extra troops there.¹¹⁰ The media does not always see it this way though;

Contractors from Blackwater USA recently fought a full-fledged battle with militants in Najaf, and they were able to call in a company owned helicopter for air-cover. The Pentagon seems to be outsourcing at least part of its core responsibilities for securing Iraq instead of facing up to the need for more soldiers.¹¹¹

The costs involved though for PMCs to provide security, convoy escorts etc, may have saved troops deploying but it will cost an estimated 10-20 percent of the \$18.4 billion earmarked for Iraqi reconstruction to pay for their services.¹¹²

By moving military functions to the private sector there is always the risk that factors not normally taken into account by military planners, such as industrial relations, may come into

¹⁰⁷ Bruce Grant, “U.S. Military Expertise for Sale: Private Military Consultants as a Tool of Foreign Policy,” (Strategy Research Paper, U.S. Army War College, 1998), 23.

¹⁰⁸ Avant, Deborah. “Privatizing Military Training.” *Foreign Policy In Focus* 7, no. 6 (May 2002): 2.

¹⁰⁹ Singer 2003, 157.

¹¹⁰ An exact figure for contractors in Iraq does not exist as no one tracks that information.

¹¹¹ *New York Times*, 21 April 2004.

¹¹² John Helyar, “Fortunes of War,” *Fortune*, 26 July 2004, 82.

play. For example, in July 2000 Canadian forces were redeploying their equipment from Bosnia aboard civilian cargo ships. As a result of an industrial dispute between numerous shipping agents, 550 tanks, APCs, other vehicles, and 350 containers of ammunition remained stuck at sea outside Canadian waters for two weeks. This action held one-third of the equipment of the Canadian Army hostage and made it unavailable. If this had been a deployment vice redeployment then the situation would have been more embarrassing if not potentially catastrophic.¹¹³

The result of privatization can shift the locus of judgement in how military operations are carried out in the field, moving it outside of state control.¹¹⁴ Charles Knight of the Project on Defense Alternatives sees the Abu Gharib incidents as indicating the “most fundamental problems of accountability when private contractors do work that involves force.”¹¹⁵ Civilians (as all PMCs clearly are) do not fall under the Uniform Code of Military Justice unless Congress declares war. Civilian contractors hired by the DoD are subject though to the Military Extraterritorial Jurisdiction Act (MEJA), but such are the vagaries of the act, and its utility, very few people are ever tried under its auspices.¹¹⁶ To avoid the MEJA, many PMCs are being hired by government departments other than the DoD, thus deliberately creating a legal black hole. This apparent avoidance of control and accountability by PMCs can have possible detrimental effects on operations. The shift in responsibilities by the U.S. government has not been accompanied by the necessary changes in regulation and oversight. A reconfiguration is required to deal with the

¹¹³ Singer 2003, 160. In September 2003 an Airbus A330 of Corsair, a French contractor was grounded by the French government thus making it unable to fly replacement British soldiers to Basra. See Christopher Spearin, “Mall Cops, Military Contractors, and Al-Qaeda: An Examination of the Commodification of Canadian Security and Contemporary Terrorism.” *The Journal of Conflict Studies* 24, no. 1 (Summer 2004): 54.

¹¹⁴ Singer 2003, 170.

¹¹⁵ Charles Knight, “Outsourcing Torture and the Problems of ‘Quality Control’,” *Foreign Policy in Focus*, 18 May 2004. Knight also highlights the problem of U.S. authorities moving terrorist suspects to third party countries such as Egypt, Morocco and Syria for interrogation, whose Human Rights records are at best ‘suspect.’ This, he states, makes the Secretary of Defence the prime contractor and as such he is responsible. “Beware the rouge state in action.”

¹¹⁶ The Military Extraterritorial Jurisdiction Act is designed to ensure the legality of the work of DoD contractors. It can lead to the prosecution of those contractors who commit criminal acts overseas.

security environment that is now being operated in. A British PMC manager sums the situation in Iraq up well, “We’re all self policing at the moment.”¹¹⁷

The result of the lack of regulation and resultant ambiguity is an environment where civilians are untouchable despite commission of what would be serious crimes within the U.S. “A contractor, there to support the U.S. national interest, could murder, rape, pillage and plunder with complete, legal unaccountability”¹¹⁸ The lack of rules and regulations has serious ramifications. The application of [national] law is problematic. As one military lawyer said, “There is a dearth of doctrine, procedure, and policy.”¹¹⁹

The better paying PMCs are now competitors for the best military talent in their home nations, or even outside of it. Losses of trained military forces to contractors is increasingly becoming a serious issue, especially for the Special Forces community. The large training expenditure in money and time (four to ten years, depending on job, to achieve a competency) with many leaving early or at the ten and twenty year points, is often not being realized by the military. Highly trained soldiers are a problem to replace in short time and it leaves those left behind over burdened. In the face of offers of up to \$1000 a day, highly trained soldiers are now very marketable and “losing such specialized experience poses unacceptable risk.”¹²⁰

PMCs can “stretch” their contracts to include areas of work outside the original contract. The result of these contractual “extensions” is in effect a form of tasking that is evading the in-place checks and balances. For example, CACI was tasked under an information technology contract, which was manipulated, the end result being the company provided interrogators to the

¹¹⁷ Katherine McIntire Peters, “Buck Private,” *Government Executive*, 1 October 2004.

¹¹⁸ Gordon Campbell, “Contractors on the Battlefield: The Ethics of Paying Civilians to Enter Harm’s Way and Requiring Soldiers to Depend Upon Them,” Presentation at the Joint Services Conference on Professional Ethics, Springfield, VA, January 27-28 2000 [on-line]; available from: <http://www.usafa.af.mil/jscope/JSCOPE00/Campbell00.html>; Internet; accessed 25 July 2004.

¹¹⁹ Peter Singer, “Beyond the Law,” *Los Angeles Times*, 2 May 04.

¹²⁰ Chief Master Sergeant Martins, SOCOM, *Defense Today*, July 21 2004, 4.

Abu Gharib prison right under the noses of the General Services Administration, the federal agency that administers large interagency contracts.¹²¹

The recent abuses by PMCs may well pave the way for increased scrutiny. CACI was actually hired by the Department of the Interior and thus incidents alleged to have taken place by its employees do not fall under the remit of the MEJA as it only covers contractors working for the DoD. The failure of supervision meant that contractors were reporting to and being supervised by other contractors.¹²² Critics have seen the use of the Department of Interior lead on the contract as a deliberate route to subvert judicial oversight of the CACI contractors, i.e. prisoner interrogation in a legal black spot. Following the Army investigation, headed by the Army's deputy chief of staff for intelligence Major General George Fay, he commented, "It is not clear who, if anyone, in army contracting or legal channels approved the use of the blanket purchase agreement, or why it was used."¹²³

A paradox exists regarding the deaths of contractors. One perceived benefit of using PMCs is that in the main their deaths usually cause little furore in the media and produce little political fall-out. That said however, the implications of the deaths of PMC employees can in cases be more widespread and much greater than those regarding the deaths of military personnel. The brutal killing of four Blackwater employees in March 2004 in Fallujah, west of Baghdad, highlights this and resulted in previously unplanned large-scale military raids into the city. Many feel that these operations would not have otherwise occurred. The incident highlights the lack of coordination between the military and PMCs. Marines with the responsibility for Fallujah first heard about the killings whilst watching Fox News. The events that followed the killings are now widely acknowledged to be an overreaction, most notably by Lieutenant General Conway,

¹²¹ "Un-enforced Laws," *Washington Post*, 31 May 2004.

¹²² Ellen McCarthy and Renae Merle, "Contractors and the Law," *Washington Post*, 27 August 2004. E1.

¹²³ General Fay conducted a follow up Army investigation in light of the report prepared by Brigadier Taguba. Joshua Chaffin, "Private Workers Found Central to Jail Abuse," *Financial Times*, 27 August 2004.

commander of the U.S. Marines in Iraq. Leaders promised retribution, he stated, “Their deaths will not go unpunished,”¹²⁴ and, promised that the military response would be “overwhelming, we will pacify that city.”¹²⁵ The decision to commit so many troops in response to the deaths of four people in Iraq is unprecedented. Before the attack, Fallujah was on the cusp of some form of order. Marines were planning to live in the city in small cantonments, building trust and spending the \$450 million that had been earmarked for projects in the city. The legacy of the dead contractors is that the marines were forced into a fight they did not want, killing 600 Iraqis, ten marines, and they were ordered out before finishing the job, leaving Fallujah, according to Lt. Gen. Ricardo Sanchez, the senior U.S. military officer in Iraq at the time, as an “incubator for insurgents and terrorists.”¹²⁶ The Fallujah incident shows what an ill conceived and out of proportion response to the tactical mistakes of PMCs can have on operations.

The seemingly strategic importance of individual contractors was highlighted in the kidnapping of a Filipino truck driver whose threatened beheading led to the withdrawal of the Philippine contingent from the Iraq coalition. Contractors on the battlefield are driving countries to pursue unpopular policies in the international community and as General Abizaid, commander, U.S. Central Command stated, it is “regrettable that countries are making decisions that would appear to be appeasing terrorists as opposed to standing up to them.”¹²⁷ PMCs’ actions are having operational and strategic effect and the implications of their presence must be understood by the military.

The rapid expansion of the industry has led to a perceived lowering of standards in terms of the quality of personnel employed and thus the standard of work carried out. Established

¹²⁴ L. Paul Bremer, head of the CPA, quoted in the *Washington Post*, 2 April 2004.

¹²⁵ Coalition Provisional Authority Briefing. Brig. Gen. Kimmitt, Deputy Director for Coalition Operations and Dan Senor, Senior Adviser, CPA, Article on-line, 1 April, 2004; Internet; available at <http://www.defenselink.mil/transcripts/2004/tr20040401-0575.html>, accessed 12 Aug 2004.

¹²⁶ Joseph Neff and Jay Price, “The Bridge: After the Horror, Strong Words Mask Indication,” *Raleigh News and Observer*, 1 August 2004, 1.

¹²⁷ *Washington Post*, 21 July 2004, 13.

companies tout “codes of ethics” and internal “rules of engagements,” whereas startup companies have neither, or indeed a reputation to protect. The current market has been equated to like being a technology firm in 1990’s given its proliferation and rapid growth, “if you were in the security business in 2004, you had to be in the Sunni triangle.”¹²⁸ When an industry grows from \$1 million to over \$100 million in a few months the implications are far reaching and the U.S. government has had to learn quickly the lessons of the uncontrolled proliferation of the PMCs in Iraq.¹²⁹ Direct threats to operational effectiveness for the military lie in the untrained groups of “get rich quick” firms that allow armed civilians to operate in tense and on-edge areas.

Despite the continued reluctance of the U.N. to become involved in operations (U.N. deployed personnel peaked at 76,000 in 1994 and dropped to 15,000 four years later), it has distaste for the use of PMCs in combat. This distaste prompted the U.N. to issue the International Convention against the Recruitment, Use, Financing and Training of Mercenaries in Dec 1989. Currently only 25 nations have signed up to this convention and the U.S. is not amongst them.¹³⁰ Further widespread use of PMCs could be seriously hampered by this legislation if it gains more support.

The considerable opportunities offered by the employment of PMCs can seemingly be overshadowed by the many available potential pitfalls. Careful consideration of all these factors is necessary in understanding the nature of the PMC industry and before attempting to utilise it in military operations, or any attempts are made to regulate it.

¹²⁸ John Helyar, “Fortunes of War,” *Fortune*, 26 July 2004. 84.

¹²⁹ Jeremy Lovell, “Iraq boom time for ex-dogs of war,” Reuters On-line, 22 September 2004 06:03; Internet; available at <http://www.reuters.co.uk/newsPackageArticle.jhtml?type=topNews&storyID=588222§ion=news>, accessed 24 September 2004.

¹³⁰ Mary Cooper, “For Warring Nations, A Tradition of Armies Bought, Not Built,” *Congressional Quarterly Weekly*, 18 September 2004, 2196.

CHAPTER 5

Conclusions

The very fact that numerous private military providers are under contract to the DoD, and surprisingly to other U.S. government departments, is sufficient evidence to indicate their utility. The use of PMCs does provide significant advantages, vice using traditional military functions that are often not available due to other deployments or have even, in several instances, been cut from the force structure. The military dominance of the U.S. is now underwritten by the presence of PMCs. This private presence contributes to U.S. assertiveness and freedom of action.¹³¹

The PMC industry is currently in a position to offer specific capabilities to the government quickly and at a potentially lower cost. They are now seen by many to be a silent partner in the coalition fighting terrorism on the global stage. With 20,000 plus employees in Iraq, collectively PMCs are the second largest contributor to operations there. Speed is everything in post conflict reconstruction and stabilization as critically the “peace is won or lost in the first hundred days.”¹³² Rapidly deployable PMCs can greatly assist during this crucial time. PMCs can allow greater simultaneity between war fighting and stabilization tasks. Getting reconstruction right first time and right across the board is essential given that historically, 44 percent of countries emerging from conflict/civil war face a return to hostilities within five years.¹³³

As a player in the joint fight from the military perspective, little is known or written about PMCs as a group. Employing and focusing their capabilities will be integral to the success of their use on future operations. The military needs to move to a position from which it can leverage the opportunities offered by PMCs in prosecuting the joint battle, seen by some as the

¹³¹ Christopher Spearin, “American Hegemony Incorporated: The Importance of Military Contractors in Iraq.” *Contemporary Security Policy* 24, no. 3 (December 2003): 28.

¹³² Gilbert Greenhall, “Winning the Peace,” address to the Joint Services Staff College, 8 October 2003. *British Army Review*, no. 134 (Summer 2004): 21.

¹³³ Robert Orr, *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, (Washington D.C.: Centre for Strategic and International Studies Press, 2004), 304.

“ultimate interoperability challenge.”¹³⁴ Currently the military does not appear to be willing to tackle the problem in a useful manner.

The current global war on terrorism (what historian Colin Gray affectionately calls a linguistic atrocity) is proving cumbersome to sustain for the U.S. military.¹³⁵ PMCs have significantly assisted in the preparation, deployment and operations of U.S. and coalition forces giving them hitherto unseen freedoms of action. The state’s traditional monopoly on violence has been gradually eroded and the political conditions are now such, that carefully put together proposals by PMCs will certainly be well received, especially if they assist in reducing overstretch and improving deployed capability. Doug Brooks of the South African Institute of International Affairs predicts that eventually PMCs will be called upon by regional organizations to take prominent roles in peace keeping and peace enforcement.¹³⁶ The next peace keeping force to enter Haiti may well be from a PMC under contract to the DoD or the U.N. Current contracts, well executed, may yield untold opportunities for PMCs in the future. The military needs to be in a position to embrace these possible changes and have systems in place to allow them to work alongside.

Ground troops are a necessary part of the majority of solutions requiring combat operations. Technology and belief in virtual systems will not stop ethnic cleansing, wanton destruction and famine. Governmental reticence to deploying troops quickly to ‘fire-fight’ has cost, and will cost innocent lives. PMCs offer one possible solution to the quandary. Spearin contends that “Military contractors possess the capabilities required to respond to Washington’s material and political needs... but changing the mindsets of officials and the public as to the suitability of private/public partnerships hinges upon the effective, efficient, and appropriate

¹³⁴ Katherine McIntire Peters, “Buck Private,” *Government Executive* 36, no. 17 (1 October 2004).

¹³⁵ Colin S. Gray, “Thinking Asymmetrically in Times of Terror,” *Parameters* 32, no. 1 (Spring 2002): 22.

¹³⁶ Doug Brooks, “Messiahs or Mercenaries? The Future of International Private Military Services,” *International Peacekeeping: Managing Armed Conflicts in the 21st Century* 7, no. 4 (Winter 2000): 140.

contributions of these private actors in countering international terrorism.”¹³⁷ PMCs possess the capabilities to be of further utility but the will to do so is currently not strong or firm enough to do so.

The employment of PMCs is currently undertaken in a (seemingly deliberate) legal black hole. Rules governing the use of PMCs are unspecific, unnecessarily flexible and are easily circumvented. When they work smoothly, PMCs can offer military planners tremendous opportunities. When PMCs do not work properly and ethically, their failures can have strategic consequences, and their cost overruns can go into the billions. The current widespread and pervasive view of parties such as the media and several public institutions (often including the military) of PMCs, jeopardizes reasonable debate on the issue because, “too many contemporary policy makers use the word mercenary as if it were the equivalent of syphilis.”¹³⁸ Historically, use of PMCs in the logistic role has seen few instances of the need to prosecute individuals following abuses of the law. The recent trend of PMCs becoming involved in direct security tasks and physical fighting has exposed their employees to greater stresses. This has resulted in mistakes and errors occurring to the extent that legal action and prosecutions become necessary.

Ideally, the observed growth in PMC activity and use should be recognizable through causal linkages to a deliberate policy decision by the U.S. government, that there are certain efficiencies and benefits to be realized in giving work to them. Sadly much of the evidence available suggests that this is not entirely so. Arguably, overstretch and lack of planning foresight for stability and reconstruction activities in Afghanistan and Iraq has indirectly led to the growth of the PMC industry and as a consequence, insufficient legislation exists to govern it. In parallel to this, it is observed that there is a distinct lack of understanding by the military of the implications of the presence of PMCs on the battlefield.

¹³⁷ Christopher Spearin, “The Emperor’s Leased Clothes: Military Contractors and Their Implications in Combating International Terrorism.” *International Politics* 41, no. 2 (June 2004): 245.

¹³⁸ Robert Brown, “When Mercenaries Work,” *Soldier of Fortune* 24, no. 5 (May 1999): 4.

Despite wide ranging concern, no PMC has worked against the interest of its parent nation. The reality is that in the majority of cases examined, PMCs are a *de facto* extension of the foreign policy of their state of origin. They, in the main, offer a low-risk, low-cost, low-visibility way to exert military influence in a time of diminished budgets and shrinking armed forces. Those entities that continue to exist in the '1960s and 1970s mercenary mould' now seem to be under such close scrutiny that the various authorities often interdict their operations. This was recently demonstrated by the arrest, trial and subsequent conviction of sixty-four mercenaries onboard a plane refueling in Zimbabwe which was supposedly en-route to Equatorial Guinea to assist in overthrowing the government there.¹³⁹

Sadly, and from a planning perspective, military commanders cannot assume that when events become unsavory and difficult, PMC personnel will stay on the battlefield, or even in the area of operations. The implications of key personnel leaving their posts in times of difficulty cannot be understated and the lack of compellence available to military commanders to do this is of note.

Currently, alleged human rights abuses committed by PMC employees go unpunished. This is not a new situation and occurred amongst DynCorp employees in Bosnia in the 1990s. Incidents of abuse have recently allegedly been committed by employees of CACI at Abu Gharib.¹⁴⁰ This cannot be allowed to go on.

The current level of military guidance is extremely vague regarding PMCs. Doctrine only suggests ways to deal with logistic contractors, but also in vague ways. This state of play essentially delegates responsibility for dealing with, operating alongside, and de-conflicting with PMCs to the tactical commander, often without offering a frame of reference. This is not an ideal situation and is far from the most suitable position to be in.

The issue of regulation is largely beyond the scope of this paper but its implications do lie

¹³⁹ See <http://news.bbc.co.uk/1/hi/world/africa/3597450.stm> for a full report on the incident.

¹⁴⁰ DynCorp employees in Bosnia were accused of trafficking in women and children.

within it. The international community cannot afford not to establish regulation for these entities. Singer cites “the largest problem in this [PMC] area is until a massive violation occurs, the likelihood of any international body being willing to take on this complex regulatory function is extremely limited.”¹⁴¹ It is posited that the time is upon us for this regulation to occur. Can the military afford to be seen embracing these entities that appear outside the control of the normal legislative procedures, or does it not really have a choice? If PMC use is to be continued or expanded then control is all-important to prevent potential rouge elements from operating.¹⁴² From the perspective that there is now no alternative but to embrace PMCs fully, logic dictates that regulation and control must follow. As PMCs are now ever more useful tools of foreign policy, regulation would restrict the current seeming impunity with which governments (notably the U.S.) can employ them, and this may be sufficient reason for regulation not to occur. The current ad-hoc system in Iraq of paying a contractor (Aegis) to police the others is far from adequate even though it is a step in the right direction.

For the reasons highlighted in Chapter 2 under ‘Why PMCs,’ it can be seen that current levels of PMC involvement in operations has been both a result of changes in the contemporary operating environment, military drawdown, and policy decisions to do so. In the prosecution of the war on terrorism, overstretch of the military will continue to be a driving force for the employment of PMCs, especially given their comparable low costs to the costs involved in expanding the force over the short and medium terms.

Looking across the spectrum of PMC activities and analyzing the evidence from the previous chapters, the military needs to be concerned about several things. Firstly, ignorance of PMCs is an issue of concern. Current military thinking does not encapsulate or recognise the full

¹⁴¹ Peter Singer, “War, Profits, and the Vacuum of Law: Privatized Military Firms and International Law,” *Columbia Journal Of Transnational Law* 42, no. 2 (Spring 2004): 547.

¹⁴² Of note is the case of Jonathan Idema. Recently convicted in Afghanistan of kidnapping, Idema operated as a rogue element attempting to make money through capturing former Taliban leaders. So entrenched was he in Afghanistan, many assumed he was, or was working for the U.S. government, to the extent NATO forces directly assisted in some of his operations. Idema was sentenced to 10 years in prison.

capabilities that PMCs have to offer. Interoperability of the military with PMCs is also an area of concern. Several writers are even suggesting that given the scale, complexity and capability of PMCs today that they need to be fully integrated into joint warfighting. This is as yet, a very immature area of doctrine but certainly one that needs attention. The current doctrinal black hole needs to be filled to allow planners and commanders to best understand and operate alongside PMCs.

The issues of selection, control, influence and accountability of PMCs lie primarily outside of the military remit. The military has though, a vested interest in these issues and needs to influence thinking, policy, and legislation on all of them. Competition and the lack of it, along with political cronyism are enmeshed in the PMC debate but are areas distinctly outside of military control and influence, and as such must be left to policy makers.

If, as it appears, that military force is now the main instrument and organizing principle of U.S. foreign policy, then with current force levels, greater PMC presence and importantly, the diversity of tasks they complete, will increase. The influence of PMCs on foreign policy has been demonstrated in chapter four using examples from operations in Iraq. The current lack of control of PMCs, the almost unregulated state of their operations, and very loose contracting procedures has produced a situation that is almost out of control. This was highlighted by the comments of Lt. Gen. James T. Conway, commander of 1st Marine Expeditionary Force on leaving Iraq, who stated he opposed the assaults on Fallujah in response to calls for revenge for the deaths of four Blackwater employees in April 2004.¹⁴³ The implications of political decisions made regarding actions of PMCs are, in this case, very widespread. Policy makers and the military do not yet completely understand the full and far reaching implications of PMCs on the battlefield.

Military planners must be aware of the myriad capabilities of PMCs and the implications of their employment and in particular, the possible second and third order effects from their use.

¹⁴³ Rajiv Chandrasekaran, "Key General Criticizes April Attack in Fallujah: Abrupt Withdrawal Called Vacillation," *Washington Post*, 13 September 2004, 17.

Alongside this, the current lack of international and national regulations of PMCs is a situation that must change, especially in the light of the Abu Gharib prison abuse scandal.

The analysis completed translates directly into operational implications and considerations for military planners. Relating the analysis to the elements of operational design as stated in FM 3-0, page 5-6, it can possibly be more utilitarian. Much of the analysis does not fit within this template, although that does not mean it is not of note to planners, it must however be understood. Table 2 summarizes some of the effects of PMCs on operational design.

Centre of Gravity	PMCs provide personnel which can free up military personnel for tasks more directly involved in the defeat of an enemy. They can also assist in the protection of friendly critical vulnerabilities. Conversely, PMCs can become part of ones own critical vulnerabilities and be targeted as such. Recent events have illustrated this. The Philippine contingent of troops in the Iraq coalition were forced to pull out when a Filipino contractor was kidnapped and threatened with death. Potentially dead contractors were a critical vulnerability used to unlock the strategic centre of gravity of the Phillipines.
Decisive Points	Within the auspices of operational design, the use of PMCs arguably improves the ability of a force to mass forces at a decisive point, by allowing it to field more forces in fighting positions than in routine functional areas. In a counter insurgency operation the ability to mass ‘boots on the ground’ is a key ingredient to dominating the ground, winning popular support and defeating the insurgents.
Lines of Operation	While often protecting friendly lines of operations through the provision of direct security, contractors can actually become a line of operations themselves. This line can be exploited by opposition forces. Operations in Iraq have shown this repeatedly. Results of this can be that the military end up being diverted from their primary mission, to rescue or retaliate as result of operations against PMCs. The benefits vs costs of using PMCs needs to be carefully considered.
Simultaneous and sequential operations	The presence of PMCs greatly increases the opportunities for the execution of simultaneous and sequential operations through the freeing up of personnel from less operationally urgent taskings. In the wider picture, PMCs have the capability to mount smaller scale peace keeping operations. This could remove possible tasks from the fighting force, giving it the ability to concentrate on the GWOT.
Operational reach, approach and pauses.	These are significantly improved through the use of PMCs. Routine and often-mundane tasks performed by soldiers can be outsourced. Within the limitations of this paper, these can include convoy protection and guarding of key facilities etc.
Tempo	PMCs assist in a forces ability to transition from operation to operation, i.e. the generation of tempo. The often low-key nature of PMCs often gives them a good capability for intelligence gathering, particularly HUMINT. Improved intelligence allows the generation of increased tempo.
Culminating Point	PMCs can assist directly in avoiding culmination. The continued presence of PMCs in an area of operations is not guaranteed and individuals may leave at their own volition with the potential effect of an impact on logistic operations, infrastructure support and security and a reduction in operational capability to fill the spaces created by those leaving. This has the potential to lead to culmination. In much the same way as C of G. By definition, defeat of an enemies centre of gravity will lead to his culmination.

Table 2. PMC Implications on Operational Design

The private military market can be categorized simply as booming and it presents many implications for the operational planner. In particular, the employment of military providers is at an all time high and in their areas of employment, is breaking new ground. PMCs have shown

themselves to be very useful to the military, to government and obviously to the private business' themselves.

The market, though, remains largely unregulated and unaccountable, and for the most part in Iraq, those who work within it operate with virtual impunity above the law in a legal black hole. Many contracts with PMCs have run into significant cost overruns and resulted in squandered funds, undermining the argument in several cases, that using PMCs brings economies.

The implications of PMCs, both directly and indirectly, weigh heavily on foreign policy. The implications of tactical actions can escalate far quicker and much further with PMCs than with conventional military forces, as has been witnessed by the Fallujah and Abu Gharib incidents.

PMCs continue to be an inextricable part of military operations and it is a safe assumption to say that their presence will only increase in the coming years, and the domain of their responsibilities will increase from the traditional training, de-mining and logistics to increased presence in intelligence, surveillance, and possibly direct action capabilities including peace keeping and peace enforcing responsibilities. The next DoD QDR in 2005 is expected to suggest creation of a capability to deploy 200,000 troops as an occupation force for up to five years.¹⁴⁴ This exceeds current force capability as it stands and if things unfold as they have been doing, the growth of the PMC industry will continue to spread.

The U.S. Army is not currently organised doctrinally or mentally to operate effectively alongside PMCs. The relevant controlling and coordinating structures are not in place to harness, as much of the potential of contractors as is possible and this needs to be addressed.

¹⁴⁴ Thomas Ricks, "Shift From Traditional War Seen at Pentagon," *Washington Post*, 3 September 2004, A01.

CHAPTER 6

Recommendations

The military should not operate in areas where there is no clear chain of command and authority. In cases where contractors supervise military officers it can lead, and has led to problems. To operate together effectively, a clear and robust chain of command needs to be enacted. The disparity in legal accountability between the military and PMCs needs resolving to the extent that contractors are firmly enmeshed in a legal framework which will not only promote their legitimacy and further their utility, but will ideally ensure their legal conduct. For the military, working alongside these unregulated entities in their current state can be costly and time consuming, as those on the Abu Gharib inquiry board will do doubt have found out.

The military needs to impart the necessity and advantages for regulation of PMCs to policy makers. It also needs to maintain an understanding of the issues facing, and options for regulation and how best they can be synthesized into a workable doctrine. Policy must also reflect what is happening on the ground and not contradict it, as is the case at the moment. The regulation issue is a relatively mature one and many well-researched, though not enacted, options exist and amongst the more utilitarian are the suggestion put forward in the U.K. governments' Green Paper.¹⁴⁵

Any regulation against the involvement of PMCs in frontline operations will negate the many benefits available from their employment. The U.N. International Convention on the Recruitment, Use, Financing and Training of Mercenaries from 1989 is an example of this and it would greatly hamper the use of PMCs. The U.S should not ratify this convention.

At the policy level, oversight of contract issuance needs to be examined as seemingly too many contracts are passing under the noses of Congress, contracts that have far reaching implications, primarily for the military, and are remaining outside of the arena of public debate.

¹⁴⁵ United Kingdom Government Foreign and Commonwealth Office, *Private Military Companies: Options For Regulation*, London: Stationery Office, 2002.

Contractual oversight needs to increase and the practice of using other government departments (other than the DoD) to hire PMCs needs to cease, to assist in creating unity of effort. An extension or improvement to regulations permitting oversight is no easy task. Senators have repeatedly rejected suggested amendments to a Pentagon bill aimed at enhancing congressional oversight of military contractors. The first aimed to prohibit the use of PMCs in combat missions and for interrogation purposes, and the second would have made it a crime to overcharge the government for goods and services in military contracts.

Steps beyond the using of PMCs to regulate themselves (in the Aegis case) need to be examined in terms of allowing free interchange of information and intelligence. Deployed military providers, i.e. those escorting convoys and protecting installations and key personnel, can no doubt benefit from much of the information the military produces and vice versa, especially in the areas of threat analysis, IED capabilities etc.

In the wider field, growth of PMCs and buy-outs need to be regulated to prevent the creation of a monopoly and the negative influence it may bring with it. Competition in the industry is what is needed to foster economic efficiencies, efficiencies that the DoD will ultimately benefit from.

The U.S. Army looks to doctrine to guide its actions. It is the common language to which all can refer and to which planners turn for direction. Doctrine should therefore reflect the implications and importance of employing PMCs. The lessons from OIF and OEF should be used to inform rewrites of revisions of Joint Publications 3.0 and 5.0 to better reflect the importance of planning for operations involving PMCs. Similarly, capstone doctrinal publications should highlight the importance of preparing planners and operators for tasks associated with operating with PMCs. This doctrine needs to reflect the advantages and disadvantages of PMCs, embrace them, and integrate them as player in the joint fight. Exercises such as the Battle Command Training Program, and those run at the National Training Center, should assist in this task. Wider

consideration of the utility of PMCs in assisting in the GWOT needs to be examined, as do the implications of relying too heavily on entities outside of the military. Education and training in the issues of working alongside PMCs needs to be included in the curricula and exercises at the Army staff and war colleges.

The military planner should employ the use of force to create the conditions for strategic success. Implications highlighted in the recommendations above suggest the presence of factors previously hitherto not considered by planners which will now have possible impacts on operations. Building on what political scientist James Taulbee terms the need to be “shaping the operational milieu of the 21st century,” PMCs have a distinctive role to play and it is the responsibility of the military and its planners in particular to fully understand this and integrate them into the joint fight.¹⁴⁶ Aleksandr Svechin wrote that strategy is the art of combining preparations for war and the grouping of operations for achieving the goal set by the war for the armed forces.¹⁴⁷ The planner’s role is to link military means to strategic ends, realizing that military operations are never an end in itself and merely one, hopefully complimentary, piece of a possible answer. PMCs are now form an indelible piece of those possible answers.

Correctly harnessed, PMCs can bring much to the Joint Fight and significantly increase capabilities. Incorrectly utilized, they can lead to spiraling costs, criminal activities, discord between themselves and the military, and negative strategic effects from the merest poorly preformed tactical action.

¹⁴⁶ James Taulbee, “Mercenaries, Private Armies and Security Companies in Contemporary Policy,” *International Politics* 37, no. 4 (December 2000): 448.

¹⁴⁷ Aleksandr A. Svechin, *Strategy* (MN: East View Publications, 1991), 69.

Recommended Topics For Further Research

This monograph focused on those military provider PMCs hired by legitimate governments. A question arises that what if we are facing an enemy or force that has hired a PMC to prevent us achieving our aims? The employment of U.S. mercenaries working in Northern Ireland for the IRA and also for the Argentinean Army in the Falklands conflict, come to mind.

Does the presence of PMCs on the battlefield undermine in anyway the effectiveness of state militaries? Do they have an impact on operational effectiveness and military ethos?

What are the implications of the blurring of QDR guidance? Is it now the issue that military functions can be done better and more cheaply by contractors? Is the military facing competition for its services from the private sector?

Should PMCs be involved in mission critical roles? Is it happening already and what are the implications of this?

What are the longer terms implications of a redistribution of power from the traditional state to private actors? What is the impact upon the traditional Clausewitzian view of the trinity, given the new dynamic created by the growth of PMCs?

Glossary

Mercenary. One that serves merely for wages; *especially*: a soldier hired into foreign service.¹⁴⁸

And also:

- (a) Is specifically recruited locally or abroad in order to fight in an armed conflict;
- (b) Does, in fact, take a direct part in hostilities;
- (c) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
- (d) Is neither a national of a Party to the conflict nor a resident of territory controlled by a party to the conflict;
- (e) Is not a member of the armed forces of a Party to the conflict;
- (f) Has not been sent by a State, which is not a Party to the conflict, on official duty as a member of its armed forces.¹⁴⁹

Military Consulting Firms. Firms that provide advisory and training services to the operations and restructuring of a client's armed forces characterize the sector of the industry. Their presence can reshape the strategic and tactical environments through the re-engineering of a local force. Their employees do not directly engage in combat activities, but in modern warfare, the application of knowledge and training are often just as valuable as the application of firepower.¹⁵⁰

Military Provider Firms. Military provider firms are defined by their focus on the tactical environment. In a military sense, such firms provide services at the forefront of the battlespace, by engaging in actual fighting, either as line units or specialists and/or direct command and control of field units.¹⁵¹

Military Support Firms. Firms that provide functions such as nonlethal aid and assistance including logistics, intelligence, technical support, supply and transportation. These firms specialize in secondary tasks that are not part of the overall core mission of their employers.¹⁵²

Private Military Company. A registered civilian company that specializes in the provision of contract military training (instruction and simulation programs), military support operations (logistic support), operational capabilities (special forces advisors and command and control, communications and intelligence [C3I] functions) and or military equipment, to legitimate domestic and foreign entities.¹⁵³

¹⁴⁸ *Merriam Webster Dictionary*.

¹⁴⁹ Article 47, 1997 Additional Protocol to the Geneva Conventions, 1949.

¹⁵⁰ Singer 2003, 95.

¹⁵¹ *Ibid.*, 92.

¹⁵² *Ibid.*, 97.

¹⁵³ Scott Goddard, "The Private Military Company: A Legitimate International Entity Within Modern Conflict," 2001, 15. No official definition exists for PMCs as those that do have been shaped to suit the agendas of those drafting them and are not necessarily very useful. It is possible to devise different labels according to the activities concerned, the intention behind them and the effect they may have; but in practice the categories will often merge into one another. Effective regulation would necessitate choosing and achieving consensus on workable definitions.

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