

A Comparison of Private Security Contractors & State-Based Armed Forces

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DANIELE HADI IRANDOOST, DEC 3 2017

It is likely that the ordinary 'consumer' of media who turned the channel to a coverage of military conflicts in Afghanistan and Iraq in the last decade or so would have been unaware of the large presence of what has been termed private security contractors (or mercenaries, as some call them) operating in the region. In most cases, they will be surprised to hear that such groups *do* even exist, or that estimations from 2007 indicated there were more private contractors in Iraq than all US state troops combined (Singer, 2008: 245). This begs a very important question, indeed: why is this the case, when Machiavelli (2005: 49), one of the most influential political thinkers of all time, advised 'princes' not to ever trust mercenaries? One way to answer this question is to delineate the similarities and differences between these and state-based armed forces. To that end, this essay will respectively address the following themes: 1) responsibilities, 2) operational effectiveness, 3) regulations, 4) transparency, 5) political consent, 6) peacekeeping and humanitarian aid, and 7) motivations. It is important to mention that although this paper refers in some instances to private security contractors (PSCs) based in the West, those established in the US since the end of the Cold War will be the principal focus of this essay. Not only is this because of American PSCs' predominance within the private security sector generally, but also because of their prevalence in the academic literature.

Perhaps the most obvious similarity between contractors and state troops concerns their functions. Specifically, Peter Singer (2008: 92ff.) has identified three functions typically carried out by contractors: a) provision of logistics, supplies and intelligence, b) provision of security training, consultation and advice, and c) provision of military personnel engaged at the frontlines. *Prima facie*, these responsibilities may seem to suggest that contractors essentially carry out the same functions as state-based armed forces, but only in the private sector. Certainly, the first and second functions are in line with this view. The problem, however, lies with the third function. Broadly, the provision of *security* refers to the presence of ex-soldiers whose job mainly is to protect, say, convoys, VIPs, or high-value facilities and buildings. Ordinarily, these functions are undertaken by state troops as well. Yet, the similarities more or less end here. As is usually propounded by security contractors, whereas state-based military personnel are free to undertake offensive operations, contractors now seek to constrain themselves to defensive roles only (de Nevers, 2009b: 485); a consequence, of course, of widespread condemnations following several offensive operations, which were previously undertaken around the globe by various PSCs. A case in point outside the US includes the South African 'guns for hire' working for Executive Outcomes, one of the first PSCs after the end of the Cold War, who overthrew the government of Sierra Leone in 1995 – doubtless, a highly offensive action (Kinsey, 2007: 593). Similarly, the killings of 14 Iraqi civilians in Baghdad in 2008 by Eric Prince's (former CEO of Blackwater) employees is another example. Yet what is particularly notable about the latter example is that it points to an unavoidable issue with respect to offensive operations, in that even if offensive operations are not carried out *actively*, in reality a clear line separating offensive and defensive missions cannot be drawn so easily. Indeed, as Prince stated in an interview, the (passive-aggressive) actions of his employees were undertaken in the name of 'self-defence' (Democracy Now!, 2007). Nevertheless, despite such incidences around the globe, it may be stated that there is now a clear convention among PSCs towards fewer (or almost no) offensive operations, to avoid the type of detrimental public attention they could receive otherwise. Official attempts to modify the legal framework over PSCs (discussed in detail later on) as a result of such controversies has additionally reduced American PSCs' interest and freedom in conducting offensive operations. It would be fair to state, therefore, that American PSCs nowadays are

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more or less similar to state-based armed forces in terms of their functions and responsibilities, except in their difference between offensive and defensive operations.

The next question, in turn, is how effective are PSCs in fulfilling these functions? In today's market-driven society and way of life it may be argued that PSCs would provide higher-quality services than state-based armed forces, inevitably because market dynamics, which are supposedly based on competition and profit-making, demand efficiency, cost-effectiveness and the provision of high-quality products and services. Some examples within the field undoubtedly evidence this view. A case in point includes a competition that was held by the CIA to see who could gather 'the best information, most quickly, for a specified policy scenario' (in other words, the first function out of the three aforementioned functions of PSCs): the winner was a Washington-based company called Open Source Solutions, while the CIA's team finished last (Singer, 2008: 100). It is additionally maintained that since PSCs mostly seek and hire highly experienced and professional veterans who usually have served in the military (and most importantly in highly specialised branches, like the Special Forces) for many years, they naturally offer better services than ordinary soldiers in the army. This is further reinforced by the fact that top professional soldiers are usually tempted by higher pays (double or even triple) along with lower levels of risk (when undertaking defensive operations only) to choose to join PSCs than stay within the armed forces (Shadow Company, 2006).

Having said these, a number of criticisms may be made with respect to this view. For one, whether the operational efficiency provided by PSCs could be maintained willingly is questionable in itself. Considering the view that profit-making is the main purpose of all businesses, it is doubtful that PSCs would strive to consistently improve their services at the risk of losing financial assets and profit – concerns about DynCorp's services in 2006, for instances, illustrates this argument (de Nevers, 2009b: 507). Such corporations are more likely, rather, to try to sell less than high-quality services for higher prices while utilising their expertise in public relations and marketing (Singer, 2008: 157). Relatedly, monopolisation of the market by certain PSCs may, additionally, undermine perhaps the single most fundamental factor that is the basis for efficiency within market-dynamics: competition. Military Professional Resources Incorporated (MPRI) as well as Brown & Roots Services (BRS) are, in particular, two key examples that fall under this category: whereas BRS is one of the most dominant in the field of military logistics for the US, MPRI is the 'big company' in the field of military consultation and security analysis (Singer, 2008: 88). What is more, it is suggested that dependency on PSCs would gradually undermine the state militaries' ability to function autonomously and sufficiently at the same time (Singer, 2008: 162f.). Not surprisingly, when this scenario is coupled with a single corporation dominating the market in a specialist area, the government will have little or no choice but to accept the services offered by that corporation (Singer, 2008: 164f.). These being said, it is worth pointing out here that small specialist corporations who specialise in very specific fields to very high standards may, regardless of the big corporations' influence, offer some 'counterforce' leading to a more balanced market. This is mainly because of such companies' ability to offer certain services which larger corporations would be unable to undertake. All considered, although PSCs can carry out state militaries' responsibilities as equal as, or better, there is more potential for PSCs to prioritise their own interests over those of their state clients, hence resulting in detrimental consequences in the short and long term.

The similarities and differences between PSCs and state forces in relation to democratic values are also worth considering. Perhaps the most prominent criticism against PSCs in this regard concerns the lack of appropriate external regulations over their conduct and operations (de Nevers, 2009a; de Nevers, 2009b: 170). It is pointed out, for instance, that American contractors in Iraq have largely escaped prosecution, despite their violation of domestic and international law, both because of the impunity granted by the coalition forces after they transferred their responsibilities and a lack of a clear and appropriate legal framework covering PSCs and their operations; this is particularly evident in relation to the separation between the criminal justice system and the military court-martial system (Singer, 2008: 251). This issue is illustrated, especially, by the fact that until December 2008, despite allegations of contractors shooting 'deliberately' at Iraqi civilians, and indeed despite the high probability of such incidents as a result of the presence of many contractors in the region, there was but one criminal charge filed against PSCs (de Nevers, 2009b: 487; Singer, 2008: 251). More strikingly, it took about eight years (2007-2015) before four of the ex-Blackwater employees, who were involved in the killings of Iraqi civilians in Baghdad (as mentioned earlier), were prosecuted (Apuzzo, 2015). US state soldiers, on the other hand, may be convicted and punished for any violation of domestic and international law, including the killing of any civilians or torture in general.

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Avant and Sigelman (2010: 233ff.) maintain that principally this is due to a lack of transparency into the internal affairs and operations of PSCs, particularly as a result of legal obstacles, with the consequence that the general public along with policymakers are uninformed and therefore unable to scrutinise the conduct of PSC. State forces, contrastingly, operate in an entirely different sphere and are wholly subjected to constant scrutiny, open transparency and clear regulations. Certainly, although such arguments hold significant validity, it is nevertheless useful to account for possible counterpoints in response. In particular, as an evolving market that has only come to prominence in the last two decades, regulations are bound to gradually increase in time – at least in Western countries. In fact, better regulations have already been implemented in the aftermath of controversial scandals (as pointed out earlier), and even though in most cases these changes have not been particularly sufficient or quick enough to result in huge differences (de Nevers, 2009b: 479ff.), it would be unfair to set aside the possibility of improvements, particularly when considering the wide range of options available. Indeed, recommendations made by a number of scholars along with their implementation would be significantly beneficial to the current situation. To name one example, de Nevers (2009b: 513ff.) advocates stronger external pressure, to be combined with PSCs' self-regulatory mechanisms, by various stakeholders (including governments and international institutions) on the professional and moral conduct of contractors.

Whether a reform of that sort would occur anytime soon, however, is questionable. In fact, until such changes are sufficiently realised, PSCs and state-based armed forces will remain unlike one another in terms of transparency. Notwithstanding, what is particularly notable in this regard is that governments have an interest in delaying such changes. After all, an important consequence of an opaque and inappropriate regulatory framework is that they would allow governments to implement politically dangerous policies without significant political risk. In the US, this could be a valuable instrument in terms of evading the general public's sensitivity to the 'body-bag problem' and accordingly the widespread opposition to expanding the military or deploying large troops abroad. Indeed, even though time and again US administrations have not sent the armed forces to politically sensitive regions mired in 'small wars' in fear of domestic and international outcries – Bosnia being a notable case in point – they were nevertheless able to take action by hiring PSCs, which proved useful where state militaries could not (Singer, 2001-2002: 212). Therefore, while these demonstrate that there is a clear advantage for governments to use PSCs in certain scenarios, there is also a clear likelihood that governments would not willingly promote transparency and a clear regulatory framework over PSCs at the risk of losing a valuable tool of foreign policy.

It should be noted that PSCs have also demonstrated their utility with respect to peacekeeping operations and humanitarian aid while working for international institutions, such as the UN, as well as NGOs. Most notably in Africa, PSCs have offered demining services and protected NGO personnel, facilities and VIPs in highly hostile environments; while US administrations, in contrast, have been increasingly reluctant to use state armies for such operations – largely due to political reasons, as previously noted. Nonetheless, these are not to suggest that the role of PSCs in fulfilling such objectives is *unquestionable*. One criticism, for instance, is that as 'mercenaries' or simply immoral agents who 'solely' care about money more than anything else, PSCs should not be tasked to fulfil roles which involve actions that are superior, morally speaking, than the mere materialism of profit (O'Brien, 1998). Furthermore, as Christopher Spearin (2008: 374ff.) pointed out, PSCs could unintentionally escalate hostilities in sensitive regions ultimately because regional actors would, regardless of whether they are in military uniform or not, see PSCs as hostile intruders or outsiders. Of course, it should be noted here that these do not intend to imply that state-based armies would do better in these circumstances. As some have recommended, peacekeeping operations – undertaken by either state armies or PSCs – should be dropped altogether or only be undertaken under certain conditions, particularly considering the fact that such activities are highly dangerous and legally ambiguous (de Nevers, 2009a: 185f.). All in all, although there is possibility for change in the near future, the status quo leads us to the inference that apart from a few minor areas, PSCs are largely dissimilar to state-based armed forces when it comes to regulations, transparency, political consent, and to some extent broader client bases (international institutions and NGOs).

Lastly, as a somewhat minor point, it is widely believed that contractors only serve to gain profit and nothing else, that unlike state soldiers who are paid far less, they are not bound by a sense of patriotism or morality. Two counterarguments may be stated against this view. Firstly, US-based contractors are quick to point out that they have rarely ever taken part in a contract that could have harmed US interests. In fact, the existing legal framework

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prohibits American PSCs from doing so anyway. Not only that, even if we assume that ex-soldiers choose to resign and become private contractors for money only, it would be wrong to suggest that there is no sense of patriotism or morality. Such things are relative, indeed, meaning that even if contractors do not feel very strong patriotism, there may still be enough to preclude their participation in operations against their country. And, certainly, as Christopher Kinsey (2007: 584) has observed, 'mercenaries' in the past have fought for ideological and religious reasons too – not merely and solely for money. Secondly, surveys and interviews of US civilians undertaken by Avant and Sigelman (2010: 255ff.) suggest that the general public normally cares about the death of contractors in Iraq and Afghanistan despite the popular notion that 'guns for hire' (or 'dogs of war') lack patriotism and morality. More importantly, Avant and Sigelman's (2010) research demonstrates that such feelings of patriotism are almost equal to those of state troops. These suggest, in turn, that contractors and state soldiers are, notwithstanding some variations, to a large extent similar in terms of their motivations towards their profession. This, at least, applies to PSCs which are based domestically, particularly those in the US.

On the whole, a clear-cut assessment of the similarities and differences between PSCs and state-based armed forces remains a difficult task, ultimately because of PSCs' speculative future, widespread diversification, changing regulations, contradictory past across the board, lack of long-term historical data, not to mention poor transparency into their operational affairs, amongst others. Nevertheless, the attempt to understand the similarities and differences between the two is important not only because such analysis could lead to clearer definitions, it can also offer a more comprehensive understanding of the advantages and disadvantages that the two forces carry along in themselves. The benefits that a research of this sort could bring to policy-making are evident, indeed, especially when we take into account the surge in the use of PSCs in the West: better regulations and precluding future misuses are just two examples. By drawing together into a coherent whole a number of themes from across the literature, this paper has preliminarily contributed to such research. Specifically, it assessed seven themes, comprising sequentially of responsibilities, operational effectiveness, regulations, transparency, political consent, peacekeeping operations/humanitarian aid, and motivations, while illustrating concurrently existing tensions within each. Although this list does not consist of all the themes related to the topic, it points to the most important ones. It may thus be concluded that the similarities and differences between state-based armed forces and PSCs depend on the specific themes being discussed and that these vary considerably from one to another. Yet, for the purposes of this research paper, and scholarship in general, it would not be inaccurate to state that, apart from some minor variations and similarities in terms of their responsibilities and motivations, PSCs are broadly speaking more dissimilar to state-based armed forces than they are similar – a possible starting-point, perhaps, in responding to why PSCs have been increasingly on the rise notwithstanding Machiavelli's advice.

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Date written: March 2017