Remote Warfare and the Utility of Military and Security Contractors

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This chapter explores the role of military and security[1] contractors in remote warfare. As the chapter explains, contractors in general have been a feature of warfare for centuries. This is not a coincidence, but rather the result of how warfare has been organised since the beginning of sixteenth century if not earlier. It was only after the rise of nationalism and the emergence of the modern state after the French Revolution, alongside industrialisation, and improvements in methods of bureaucracy that military contractors were temporarily marginalised, with many of their roles taken over by nationalised armed forces. This way of organising state violence survived until after the Second World War, when military and security contractors once more began to appear on the battlefield, supporting military operations, or conducting foreign military training. Today, they are a regular part of modern warfare.

This chapter is divided into five sections. The first section defines the key terms of remote warfare and military and security contractor. It is important to maintain clarity regarding the meaning of these terms as each has a range of contested meanings. The second section evaluates the practice of using military and security contractors in the contemporary operating environment. Section three seeks to explain the different rationales behind the phenomenon of military and security contracting and explores the practical challenges to the use of military and security contractors. Here, it would be easy to simply espouse the most obvious reasons why states rely on military and security contractors, namely as a means to reduce the political risk of deploying large numbers of military personnel and as a means to more efficiently manage military spending. However, this would provide an incomplete picture of military and security contracting.

In this section, it will furthermore be argued that the challenges surrounding the use of military and security contractors are not going to disappear, but will only get harder to resolve over time if not confronted immediately or in the very near future. The fourth section will offer new insights into this important subject, arguing that the use of military and security contractors in remote warfare offers distinct opportunities for states, but only if the contractors are used in a mindful manner and with regard to key political, legal, and ethical considerations. Importantly, it will suggest new ways for states to move forward when using military and security contractors to engage in remote warfare. Section five will offer concluding remarks.

Defining Key Terms

This section seeks to define the two concepts that are central to our argument: remote warfare and military and security contractor. For the purpose of this chapter, we will adopt a very similar definition of remote warfare as Knowles and Watson (Knowles & Watson 2018, 2-3). Drawing on their publication*Remote Warfare: Lessons Learnt from Contemporary Theatres*, which describes remote warfare in its most basic form, our definition describes the phenomenon as an approach to warfare that seeks to avoid the deployment of large numbers of ground forces in a military intervention, preferring instead to utilise an assortment of different activities and actors for a range of different purposes, on different timescales, and using different strategies. Continuing, such strategies may involve using

Special Forces (SF), proxy forces, drones, and military contractors, separately or in combination with one another, to defeat an enemy. From a practical perspective, such an approach often involves coordinating a range of actors with various skill sets that are designed for different functions and with different operational and logistical requirements.

Importantly, remote warfare is about countering an adversary. It must therefore be part of a military operation that is actively seeking out a foe to destroy. It may also be part of a wider array of military and security activities, such as supporting peacekeeping operations that are being conducted alongside it (Østensen 2013, 33). Thus, in relying on the definition above it is easy to see why military and security contractors can be considered a component part of remote warfare.

What do we mean by military and security contractors and whom are we talking about? Starting with the second part of the question, military and security contractors are largely ex-military staff (Dunigan *et al* 2013, xiv). This is the case for most contractors working for military and security companies that provide support services. Indeed, companies that provide these services often prefer employing former military staff because not only are they familiar with how the military operates, but they also find it easy to transition into a military environment, while at the same time feeling comfortable working in a conflict zone (Hawks 2014, Chapter 5). The age of these individuals usually ranges from the mid-twenties to the mid-sixties (ibid), and the industry does not restrict its recruitment to a specific region but recruits across the globe (Dunigan *et al* 2013, 9). However, there are a number of countries and regions that provide a significantly higher number of military and security contractors than others. One such country is Nepal. Many military and security companies prefer to hire retired Gurkhas because of their work ethic and loyalty. Management positions are usually filled by ex-military staff from Western countries, while the labour force is mainly comprised of ex-military staff from developing countries (Kinsey, 2006b).

Military and security contractors are often viewed as mercenaries or soldiers of fortune – a view that puts emphasis on the actor's motivation and intention for participating in warfare as well as their active, front-line participation. To see them in this way, though, is simplistic. It fails to take account of the purposes behind their utility, where many military and security contractors operate far from the front line, as well as the wide range of activities they perform. For example, today most military and security contractors perform vital, but non-combat roles, while combat roles remain the hallmark of the mercenary. However, the difference between mercenaries and military contractors is often found in the eyes of the beholder. Mercenaries have generally only been engaged during a short period of time on an *ad hoc* basis, while military and security contractors operate in more permanent structures during both peace and war. Abrahamsen and Williams (2011, 23) explain that there exists a 'mercenary misconception' when assessing military and security contractors that stems from the tendency to minimise the primarily non-military activities performed by these actors.

Likewise, others have suggested that the character of the activities performed by these actors (moving in a spectrum between lethal/non-lethal) should determine the labelling of these individuals and companies as either mercenaries or military and security contractors (Kinsey 2006, 10). Similarly, Camm (2012, 144-145) groups military contractors under three headings that capture the extensive array of activities they now perform for deployed state military forces. These headings are *troop support* services, *system support* services in theatre, and *security protection* services (Ibid). These categories can also apply to remote warfare, where military contractors provide services in support of a particular strategy directed at an adversary.

What, then, are included in these categories? *Troop support* services involve providing a broad range of services to support personnel. Examples of such services include catering, maintenance of infrastructure, waste disposal services, and maintaining vehicles. Moreover, it is easy to imagine military and security contractors supporting a remote warfare strategy by providing these services to, for example, SF fighting a foe in a remote part of Africa.

The second category is *system support* services. These services include maintaining weapons and information technology (IT) systems. It is here where military and security contractors might operate as part of a remote warfare strategy outside the military chain of command, while still part of a country's security strategy, deploying or operating technology against enemy forces on behalf of another government agency. The third category is *security protection* services. These services usually involve armed security, sometimes heavily armed, but can also include police and

military training. Most armed security roles involve protecting government facilities or government personnel abroad; for example, the guarding of embassies and the protection of high value individuals such as ambassadors. Again, the provision of armed security is more likely to be part of a broader approach, working with other actors, perhaps providing protection for their facilities, and not as a standalone security force. Where military and security contractors can act alone is in the military training of proxy forces as an alternative to using SF.

The Use of Private Military and Security in the Contemporary Operating Environment

In many respects, the military and security contractor, or mercenary as some people prefer to call him or her, is the original remote warfare instrument, and the rationale behind employing him has changed very little over time. While the overall number of military contracts has fallen since the end of combat operations in Afghanistan and Iraq, the latter seeing as many as 100,000 contractors at the height of the conflict (Phelps 2016, 15), they are still very much a part of the modern battlefield. As Moore (2017, 20) points out in the case of the US military, contractors continue to be called upon to support military operations across the globe. Such support is varied, ranging from support for counter-terrorist operations around the Horn of Africa, counter-narcotics operations in Latin America, to working with military personnel at Al Udeid airbase in Qatar. The trend is the same with other Western state militaries, whilst Russia has also begun to rely more on military contractors than in the past. The Wagner Group has been operating in Syria since 2014, where it trains and fights alongside pro-government militias, while more recently it has undertaken operations in Sudan, [2] the Democratic Republic of Congo,[3] Venezuela[4] and Libya[5]. This trend of utilising contractors does not seem to be slowing down, evidenced by other countries following the example of the US, UK and Russia.

Using military contractors is still seen as one way for states to overcome the practical constraints of undertaking expeditionary operations, as it allows states to deploy a light military footprint often to assist local forces through military training and advising. At the same time, it reduces the political risk of deploying national forces and helps to overcome the financial obstacles frequently attached to such operations. Indeed, military and security contractors are often seen as a cheaper alternative to deploying the state military, as they do not incur the same level of costs attached to state military personnel (for example, long-term medical care in the event of state soldiers being injured). Nonetheless, such an approach to warfare carries considerable risks as well as advantages. Nor is it easy to implement such an approach. At the moment, most countries employ military contractors on an *ad hoc* basis and not as part of a wider military strategy. Even so, this is an improvement from the Cold War, when contractors provided military training and security services to Third World armies and operated in the shadows of their home state's foreign policy. In past years they often acted as the invisible hand of unofficial diplomacy, whereas now they operate openly with a legitimate business presence in many parts of the world. Moreover, like all major corporations, they no longer appear prepared to sacrifice their business interests for the interests of their home state.

So far, evidence on the performance of military contractors is mixed. Sierra Leone and Executive Outcomes (EO) is often highlighted as a case where military and security contractors have done well (Jones 2006, 363). EO, who were commissioned by the Sierra Leonean government in 1995 to fight against the Revolutionary United Front (RUF) rebels and create stability, fulfilled their contractual obligations and secured stabilisation in this war-torn country – at least in the short term – by forcing the RUF to the negotiation table (Francis 1999, 327). Military and security contractors' actions during the wars in Iraq and Afghanistan, however, were marked by gravely poor behaviour that often undermined the political and operational aims of the US military. This was most evident with the Nisour Square incident, where Blackwater military contractors shot at Iraqi civilians, killing 17, whilst escorting a US embassy convoy (Human Rights First Report 2008, 1). Politically, the incident illuminated a grave accountability gap in the attempt to hold the Blackwater employees accountable for their actions. Several avenues of legal prosecution, including local Iraqi law,[6] were impossible to follow (Chen 2009, 106), ultimately creating a 'political firestorm' in both Iraq and the US (Human Rights First 2010, 1).

Operationally, Iraqi militias did not differentiate between the US military and security contractors, leading to further attacks on the former as an outcome of the incident. The Iraqi government also revoked Blackwater's license to operate in the country, making it harder for the State Department to perform its functions because of its heavy reliance upon the company for the provision of security details. Further, it is doubtful whether US and UK diplomats

could operate in high risk environments without the protective services provided by military and security contractors today (Cusumano and Kinsey 2019, chapters 1 and 3), testifying to an increasing reliance on these actors. Military and security contractors undertake many different activities across many different environments, usually concurrently with other remote warfare defence activities, such as using military drones to target high-value enemy commanders. Furthermore, it is important to note that in some cases the activities are linked, so that military and security contractors are often employed to maintain military drones as well as operate them.

The Rationales behind utilising military contractors in Remote Warfare

Before discussing why states choose to use military and security contractors instead of relying on military personnel, it is worth engaging with some of the counterarguments to their use. Opponents of military and security contractors are quick to point out the role of the military is to protect the state, and that such an important responsibility should not be subject to commercial interests (Pattison 2010, 437-439). To put it differently, critics argue that it is dangerous to put a financial figure on national security because the price of failure is too high. Such critics also point out that contractors can leave their post at any time. Importantly, unlike military personnel, contractors cannot be ordered to stay and, if necessary, fight. Furthermore, if they are providing a critical service, for example supporting satellite communication equipment, leaving could threaten the successful outcome of a military operation. Finally, while much has been said about the cost efficiency of using contractors, as opposed to military staff, the evidence is not conclusive (Stanger 2009, 94-98). Contractors also regularly take on roles today that in the past the military considered important because they allowed personnel to rest between operations. Without these postings, the military risk over-committing some of their staff to operations that might lead to them leaving the services.

Today, it is often the case that military and security contractors are seen by states as nothing more than a practical answer to some of the challenging working conditions that are part of military operations. These challenging conditions may revolve around budgetary constraints, technology, risk aversion, or the operational weakness of local partners. Still, these conditions are not new, nor is the use of military contractors to resolve them. As Parrott (2012, 135) reminds us when talking about military enterprises in early modern Europe, 'No state had the resources or the organisation to create a significant army directly under its own funding or control, and the only issue was what level of private enterprise would be encouraged or allowed'. While the character of war has changed since then, many of the challenging conditions of warfare remain and the need to hire military contractors therefore persists. Continuing, Parrott (2012, 135, 177) explains that while the involvement of military enterprisers in early modern European warfare was tantamount to adopting a wasteful and ineffective military system, they were integrated into a much larger network of producers, suppliers, merchants, and distributors, upon whose resources the entire logistical structure of the war effort depended. In effect, military enterprises offered states valuable resources, capabilities, and capacity that they could not generate internally – a situation not unlike the one many modern militaries find themselves in today.

The rationales behind utilising military and security contractors appear to have changed little over the last 600 years. Today, the most common reason for employing contractors is to improve organisational efficiency by exposing the military to market forces (Uttley 2005). Since the 1980s, contractorisation[7] has been seen as a way of restructuring defence in an attempt to manage budgetary constraints more efficiently. It is also thought to be a more financially sustainable way of maintaining military equipment on operations by drawing defence contractors into the battle space to support their equipment (Kinsey 2014, 5). Advancements in communications and weapon technology are also driving the contractorisation of large sections of the support element of military operations. For example, the rapid introduction of technically advanced weapon systems, such as unmanned aerial vehicles (commonly referred to as UAVs), has left the military ill-prepared to maintain and operate them, and needing to use contractors to perform these tasks.

Military and security contractors are also often better qualified and more experienced in maintaining sophisticated weapon platforms, especially when equipment is newly fielded (Camm 2012, 239). Finally, relying on contractors to generate strategic capabilities using technology avoids training military personnel in essential and costly skill sets (Heidenkamp 2012, 15). Thus, without military and security contractors, it would be impossible for countries such as the US and UK to wage high-technology warfare over the short-term on the basis of the resources that could be

mobilised or extracted by states and their direct agents, a situation not too dissimilar to that of seventeenth century Europe (Parrott 2012, 260).

A third rationale for using contractors in military operations is a reduction in political risks associated with soldiers returning home in body bags. Returning dead contractors rarely make the news, and, even if they do, their efforts are often not cherished by society in the same way as the efforts of state soldiers. While using military and security contractors is often done to minimise a loss of public support for unpopular conflicts by either satiating a risk-adverse society or hiding the true costs of the military efforts, such an approach can pose several challenges. The use of military contractors means that states are one step removed from the action taken by these actors on the ground. Critics of the modern use of military and security contractors have noted that this is an infringement of public accountability due to the lack of transparency and knowledge about military contracting (Liu 2015, 84-89). This means that the future use of military contractors will have to reconcile the inherent need for discretion in this area with the demand for accountability for these actors and their actions, and general transparency about the use of military and security contractors in warfare.

The final reason behind why states turn to military and security contractors relates to their support of local partners. The conflicts in Syria and the Donbass region of Ukraine provide examples of how a state intervening in civil wars can utilise military contractors to enhance the military effectiveness of local partners without committing ground troops. Russia effectively delegated the risk of soldier deaths to the market for force in the hope that the population at home would remain silent over the legitimacy of the intervention. Such an approach is also financially attractive as the cost of hiring the contractors is often carried by the local partner. However, this practice also holds challenges for states. While outsourcing the teaching of defence doctrines, training, and force design to contractors may reduce the political risk of deploying soldiers, it does not guarantee success on the battlefield. For example, Russian contractors fighting alongside local pro-Russian forces in the Donbass region have had little impact on the general outcome of the fighting (Isenberg, 15 February 2018). Nevertheless, they helped Putin hide the true cost of Russian deaths from his people, something he could not have done if he had used soldiers, while pledging support to pro-Russian forces in the region.

The same approach has been used in Syria, where Russian contractors are supporting local forces loyal to the government of Bashar al-Assad (Gibbons-Neff, 24 May 2018). However, unlike the Russian intervention in Ukraine, in Syria they have been more successful in training and supporting local forces fighting the Islamic State (Ibid). Even so, such an approach may also send the wrong message to local forces, in that they are not valued highly enough to deploy regular soldiers to support them.

The future of military contracting in Remote Warfare

The future of military contracting and the use of private actors in remote warfare are intimately tied to specific practical, ethical, political, and legal considerations and concerns. Among these are concerns about the continued use of these actors alongside the adherence to core democratic values such as accountability, transparency, and public consent. As discussed above, the legal prosecution in the advent of wrongdoings by individual military contractors is made difficult by their status as both *private* and *military*, and by the fact that they are usually grouped in *companies*. This can ultimately frustrate attempts to regulate and prosecute these actors (Liu 2015, 3). Furthermore, considerations about whether the military *should* and *could* maintain capabilities that are currently outsourced to private actors are central points of contention.

Today, it is unimaginable for states like the US or the UK to go to war without support from military and security contractors (Kinsey and Patterson 2012, 1), whether remotely or conventionally, and this is unlikely to change in the future. There are two primary reasons for this. Firstly, since the end of the Cold War militaries have struggled to recruit enough manpower into their ranks;[8] this shortfall is now being filled by contractors performing mundane but critical functions such as providing security, aviation and communication services. Secondly, the military no longer has enough specialist skill sets, for example helicopter pilots (NAO 4September 2019, Investigation into Military Flying Training, MoD, HC 2635), nor the range of skill sets needed for military interventions. For instance, they lack staff with the range of languages to cover every country where an intervention may occur. The only way to get around

this problem, therefore, is to hire contractors.

As noted above, military and security contractors are often employed on an *ad hoc* basis and not as part of a wider military strategy. This can pose practical challenges for future remote warfare efforts, as the success of military operations often rests upon a broad overall strategy where all components work together effectively. If use of military and security contractors happens on an informal and hidden basis, it can damage the potential for a successful operation. However, the use of military and security contracting also offers distinct opportunities for states. If military and security contracting is an accepted part of conducting military operations and is used in an active and conscious way, these actors can be used more openly and as a mindful part of future strategy. This will in turn affect how a country relates to its allies, and which future military operations we can participate in.

However, there still exists a widespread negative outlook on the use of military and security contractors in the theatre of war. This can, for example, be seen in media reports on these actors where the use of the word 'mercenary' is used to evoke a specific set of negative prejudices.[9] This perception is largely a hang-up from the 1960s and 1970s and memories of the 'dogs of war'. The phrase 'dogs of war,' originally uttered by Marc Antony in Shakespeare's *Julius Caesar* (Shakespeare, 2006, 3.1.273), has since been appropriated by scholars, commentators, and journalists alike to describe the predominately-white, battle-hardened mercenaries working on the African continent in various independence wars during the 1960s and 1970s (Frye 2005, 2622).[10]

The negative perception of mercenaries, which Anthony Mockler (1969, 13 -24) argues has always been present[11], still affects military and security contractors today. Joachim and Schneiker (2012, 365-267) argue that contemporary military and security contractors employ 'frame appropriation' techniques to escape the mercenary label, while Krahmann (2012, 345- 346) argues that military and security contractors use different discursive strategies to construct themselves as viable and legitimate actors. As such, the close association of military and security contractors with a negative mercenary label still affect these actors today. This sentiment often ends the possibility of public debate about the modern use of military and security contractors – a debate that is wholly necessary if these actors are to be used effectively in the future.

While devising military strategy should not necessarily be a public activity, public debate about the inclusion of military and security contractors in military operations must take place if liberal democratic states truly treasure ideals such as transparency and accountability. Transparency is one of the core tenets of liberal democracies in that it provides the citizenry with access to key information, thus enabling them to make informed decisions and participate fully in the democratic processes (Avant & Sigelman 2010, 236, 243). When access to information is restricted – as it often is in the area of military activity – it inhibits the proper participation in free and open debate with the consequence that policy decisions will be in the interest of the few, rather than the many. The lack of transparency thus prevents the citizenry from engaging fully and informedly in political discussions. Furthermore, the lack of access to reliable information about the level of military engagement can 'diminish the perceived human costs of war,' with severe ethical implications (Avant & Sigelman 2010, 256). Therefore, states must take the demand for greater transparency seriously and be open about which mechanisms are in place to ensure that military and security contractors fulfil their contract effectively and efficiently.[12]

Moving away from a reactionary outlook on military and security contractors also requires a hard look at our relationship with war and those who fight for us or at least support the ability to fight an adversary – it requires a completely new and more open approach to military and security contracting. Military and security contracting needs to be brought into the light where it is possible to acknowledge the vital and varied roles military and security contractors play in modern warfare, which, in turn, will enable a more frank discussion about how the future of military and security contracting should look. Part of this discussion involves understanding the actual roles military and security contractors undertake in conflict zones, as well as a greater understanding of the types of remote warfare a given state participates in. However, this debate needs to rest on a wider discussion of how war – both abstractly and practically – is viewed in civil society, and it requires an honest discussion of what it means to have a military today and how it can be used in the future. Nevertheless, debate can only happen if there is transparency about the degree and scale of military and security contracting. As mentioned above, one of the attractive aspects of military and security contracting is the ability to keep the practice out of the public eye – an aspect that is seemingly contradictory

to democratic debate.

Conclusion

As discussed above, military and security contractors are now part of the conflict environment engaging in remote warfare, while undertaking lethal and non-lethal services for state militaries. The reasons for the growth in military and security contracted services are numerous. Nevertheless, the two most common are the military's inability to generate certain capabilities in-house, and that it is often financially cheaper to buy-in some capabilities than to use military personnel. Still, there are important ethical, political and legal concerns with military contracting. The most serious of these is the fear that military and security contracting will lead to a democratic deficit, where accountability, transparency, and public consent are either ignored or quietly marginalised in favour of political and strategic expediency. Moreover, ignoring the wishes of the public is tantamount to the privatisation of foreign policy and the return to warfare by cabinet. Importantly, if military and security contractors are to provide states with remote warfare opportunities, then contractors must first be properly incorporated into the military's official force structure. However, this will entail integrating their activities into the broader strategic aims of government; a task that will not be easy, given the hostility towards them and their ability to allow states to hide their activities from public scrutiny.

Notes

[1] For the purpose of this chapter, the term 'military and security' is used because it provides a wider understanding of security.

[2] See https://www.theatlantic.com/international/archive/2018/08/russian-mercenaries-wagner-africa/568435/ (accessed 13 June 2019).

[3] See <https://www.theguardian.com/world/2019/jun/11/leaked-documents-reveal-russian-effort-to-exert-influence-in-africa> (accessed 13 June 2019).

[4] See <https://thedefensepost.com/tag/pmc-wagner/> (accessed 17 September 2019).

[5] See <https://www.bbc.co.uk/news/world-africa-52571777> (accessed 13 June 2020)

[6] Before Paul Bremer (leader of the Coalition Provincial Authority) left Iraq in December 2006, he issued "Order 17," which effectively ensured that the military contractors working in Iraq would be exempted from prosecution under Iraqi law.

[7] Contractorisation refers to the outsourcing of publicly performed services to commercial actors through the use of legally binding contracts. These contracts determine the nature of the working relationship between the two organisations.

[8] See <https://www.armytimes.com/news/your-army/2019/03/14/after-2018s-recruiting-shortfall-it-will-take-a-lot-longer-to-build-the-army-to-500k/> (accessed 17September 2019); <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/824753/201907-_SPS.pdf> See (accessed 17 September 2019).

[9] A recent The *Intercept* article referred to Blackwater founder Erik Prince as a "mercenary" – https://theintercept.com/2019/05/03/erik-prince-trump-uae-project-veritas/ accessed 05-06-19

[10] A popular example is the novel "The Dogs of War" (1981 New York: Random House) by journalist Frederick Forsyth where he describes the conduct of an army of mercenaries working in a fictitious African country.

[11] Sarah Percy argues that there is a norm against mercenary use (Percy 2007,1).

[12] An example of a government department concealing their use of military contractors is the UK Foreign and Commonwealth Office (FCO), which employs contractors to train the Lebanese army. On the 5 March 2017, Dr Kinsey, one of the authors of this chapter, emailed a Freedom of Information Request (FOIR) to the department asking if it could confirm whether the FCO was funding a private security company to help train the Lebanese army. His request was turned down (REF: 0254-17). Dr Kinsey then asked for an internal review. The review upheld the exemption cited in the refusal notice. Dr Kinsey then contacted the Information Commission on the 6June 2017 in order to complain about the FCO's handling of his request. The outcome of this request was to uphold the original exemption. Dr Kinsey appealed this decision with the First-tier Tribunal in November 2017. The Tribunal's decision, taken on the 13 February, was also to uphold the original exemption (REF: EA/2017/02830). Then, in February 2019, Dr Kinsey came across an FCO blog that mentioned UK military veterans have supported the training, mentoring and equipping of the Lebanese Armed Forces. As he believed these veterans could only be military contractors, Dr Kinsey put in another FOIR on 15 February 2019 and, on 10 April, this was confirmed by the FCO (REF: 0209-19). See <https://blogs.fco.gov.uk/stories/uk-watch-towers-protecting-lebanon-from-daesh/> (accessed 3 June 2019). The company responsible for performing this role is Risk Advisory. The company has been working in Lebanon for the past decade. Even so, little is known about what they do and who is paying them. See <https://www.riskadvisory.com/news/risk-advisory-on-sky-news-how-lebanons-borders-are-preventing-terrorists-reach-europe/> (accessed 13th June 2019).

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