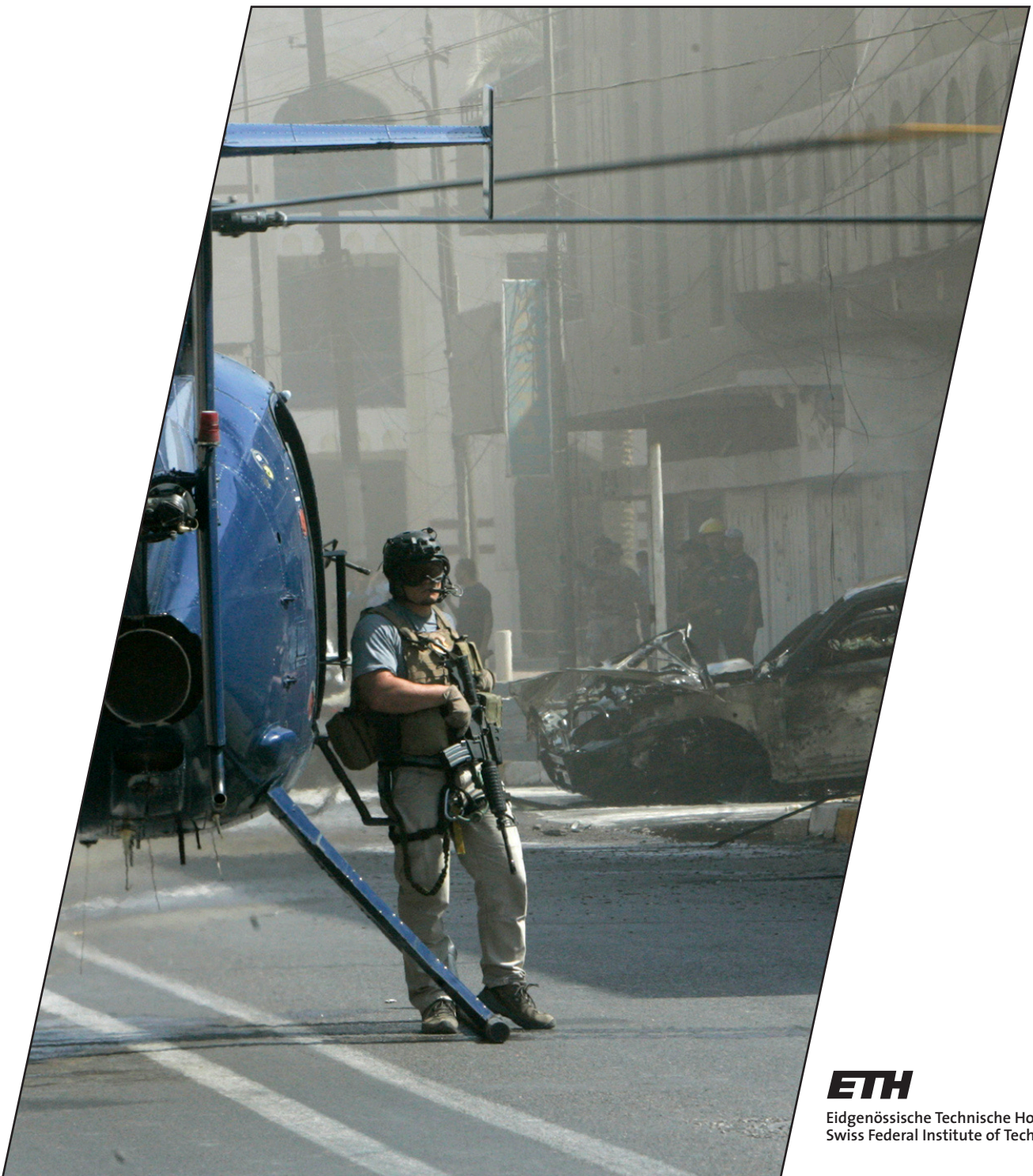


INTERNATIONAL RELATIONS AND SECURITY NETWORK

PRIVATE CONTRACTORS ON THE BATTLEFIELD: THE FLEXIBILITY-CONTROL BALANCE



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PRIVATE CONTRACTORS ON THE BATTLEFIELD

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I say that without a national army, no Principality is safe, but on the contrary is wholly dependent on Fortune, being without the strength that could defend in adversity. (Niccolo Machiavelli, 1513)

By reconsidering the virtue of principles in the Roman *res publica*, Machiavelli advocated the employment of the righteous citizen-soldier. This 16th century author argued against mercenaries whose loyalty to wealth and unreliability in battle made them suspicious.¹

Current private military and security contractors offer a far wider range of services than the mercenaries in Machiavelli's day; indeed, they *support* the armed forces by offering non-lethal aid and logistical assistance, *consult* by offering specialized expertise on technology and combat skills, and *provide* personnel for defensive or offensive missions.²

The focus of this paper is not the philosophical legitimacy regarding the state monopoly of violence; rather, it addresses the pragmatic subject of the battlefield. This case study will therefore be restricted to the effect that private contractors have on the attainment of the tactical and strategic objectives of a nation's armed forces.

In modern war, flexibility is demanded by an increasingly complex and challenging conflictual environment. The private sector is therefore a crucial asset for the national military apparatus, as it promptly offers a range of personnel and expertise. However, I argue that such flexibility has to be carefully balanced by the amount of control that needs to be exerted on civilian elements in order to ensure the accomplishment of the tactical and strategic objectives.

The first section will lay down the theoretical components of the flexibility-control balance; the second section will focus on the current counterinsurgency campaign in Iraq linked to the unprecedented level of private contractor involvement; and the third will analyze the flexibility-control balance in the context of counterinsurgency.

FLEXIBILITY-CONTROL BALANCE

Flexibility

The commitment of an insufficient number of troops to a theatre of war is equivalent to a

limitation of the availability of public goods; as a consequence, an increase in demand on the security market will produce a rise in the price of security and the following reallocation of human factors. The price of security furnished by a private contractor averaged US\$ 1,220 a day in 2007, approximately six times the cost of a regular soldier. Not surprisingly, armed forces around the world are being drained of qualified special forces personnel who leave their units to join the private sector. This latter example demonstrates the flexibility offered by the market, which efficiently allocates qualified human factors at a global level as per demand.

At a strategic level, national armed forces may consider private contractors as a force multiplier; civilian contractors improve the response time, free strategic airlifts and sealifts, increase combat power by enabling commanders to reallocate military support units into combat units, and facilitate the redeployment of military personnel.

Further, the presence of system contractors based on prearranged contracts allow for the maintenance of a high-tech military force. These civilians administer army battle command systems, communication systems and high-technology weaponry and thus remain an indispensable and highly-specialized component of the armed forces.

Finally, friction and "the fog of war" require the national armed forces to demonstrate adaptation and flexibility within the war theatre itself. Theatre contractors (local) offer the provision of goods and services, while external support contractors strengthen armed forces that may be subject to limitations imposed by executive decisions or agreements with host countries and allies.

At a tactical level, private contractors furnish much needed expertise. The requirement for unusual expertise, the lack of skilled instructors and the prohibitive time needed to train personnel demand an increased tactical adaptability in order to cope with the challenges ahead. Private contractors provide the solution; translators may be added to combat patrols and anthropologists called upon to better understand the society in which the force finds itself. To conclude, the possibility of obtaining specific elements of expertise when needed effectively enhances the tactical flexibility of the armed forces.

Control

If mercenaries are said to be gains-oriented, private security and military companies are profit-oriented. It follows that the goals of national armed forces may differ from those of private contractors; indeed, a lack of commitment to the overall objective of war should be expected. War is a profitable activity for private contractors; they are not subject to the same restraints in the use of force. From a purely rational perspective, conflict appeasement would signify profit termination.

At a strategic level, the presence of contractors increase the number of deployed forces in a theatre. However, it should be noted that commanders have a limited visibility on civilian elements that are not integrated into the military structure. Uncertainties about their position within the area of operation as well as their numbers dominate. Therefore the presence of external elements brings a supplementary difficulty into the equation: independent actions of contractors will impede the commander's ability to plan and prioritize movements throughout the theatre of operations. It could be argued that coordination and liaison may be an alternative, but it should be remembered that this will never suppress the unpredictability of exogenous elements devoid of unity in doctrine. Consequently, problems of coordination and friendly-fire incidents may occur, as demonstrated by the 20 cases of US military shooting at private contractors, which happened in five months at the beginning of 2005. A loss of control on unity of effort and command is therefore to be expected.

National armed forces are clearly identifiable and they practice a behaviour in tune with their policies, strategy and doctrine. On the other hand, private contractors do not have the same requirements and endeavours. As a result, the military legitimacy of intent and legitimacy in the use of force may be damaged by the interference of external elements lacking accountability and transparency. Commanders therefore run the risk of a loss of control on legitimacy, as they do not have authority over all of the armed elements present in the theatre.

Further, limiting private contractor to defensive missions does not solve this problem because attacks on a protected objective or convoy have to be expected in a theatre of war. Therefore, flexible defense may require offensive actions

in order to repulse assaults. Consequently, commanders run the risk of a loss of control over the level of violence, by losing authority over the flow of actions and on the choice of appropriate responses. Contractors, while highly-skilled may not be as versatile as soldiers. Their contract clearly delimits the range of their activities; this may impede the rapid reallocation of these resources to new missions. Commanders may thus endure a loss of control on the initiative factor by being unable to react to and reallocate elements. They may also find their operational rhythm impacted by the delayed response of an external structure.

At a tactical level, unreliability in the face of risk must be taken into account; indeed, employees linked solely by contract have the possibility to resign from their work, unlike soldiers constrained by military rules. Such an event occurred in Iraq during 2003 when a private logistic contractor refused to operate in "danger" zones to resupply troops. This created a loss of control over tactical reliability in the face of danger.

The integration of civilian elements into military structures creates two additional tactical challenges: a loss of control over monitoring aptitudes and a loss of control on the maintenance of secrecy. The uncertainty regarding the aptitudes of outside elements corresponds to their previously untested capacities when related to personal aptitude and their ability to integrate and function as a team. Moreover, issues related to security breach should equally raise questions over the involvement of private contractor in a state-based organization.

Flexibility-control balance

The wide range of flexibility advantages provided by the private sector have to be carefully balanced by the need for control to ensure the tactical and strategic objectives of military operations. In order to better assess and develop this concept, we shall now consider counterinsurgency in Iraq.

IRAQ

This section will first examine the complexity and sensitivity of the Iraqi context by briefly considering the types of insurgents groups and tactics as well as their popular support; second, it will integrate private contractors into the previous framed context, by citing their involvement in the cases of Fallujah and Abu Ghraib in 2004, as well as their participation in shootings during the period 2005 to 2007.

Complexity and sensitivity of the context

Operation Iraqi Freedom was rapid and low cost: Baghdad fell in 20 days and the Iraqi resistance was less than that faced during *Operation Desert Storm* in 1991. In 2003, the fall of Baghdad was followed by a total collapse of the Iraqi state as desertion depleted its military, security and governmental apparatuses. Lacking the hoped-for assistance from indigenous elements, the coalition proved unable to prevent the looting that followed the fall of Baghdad, and the correlated development of criminality. The further de-Baathification program and subsequent abolition of the defense ministry, the Iraqi army and the intelligence services by the Coalition Provisional Authority's (CPA) amplified the problems of insufficiency in personnel. Beside the development of criminality, anti-coalition and sectarian violence was becoming a growing challenge to coalition forces.

Type of Groups

The Iraqi insurgency was fuelled by five different types of armed groups: 1) Kurdish separatists; 2) Sunni Arab insurgents including former regime supporters; 3) Violent foreign extremists; 4) Shi'ite Arab militias; and, 5) Criminal gangs. This brief summary highlights the diversity and sometimes contradictory motivations of insurgents: there is no centralized command and closer analysis reveals further divisions. The dual character of the Iraqi insurgency, fueled by local and global forces, should also be highlighted.

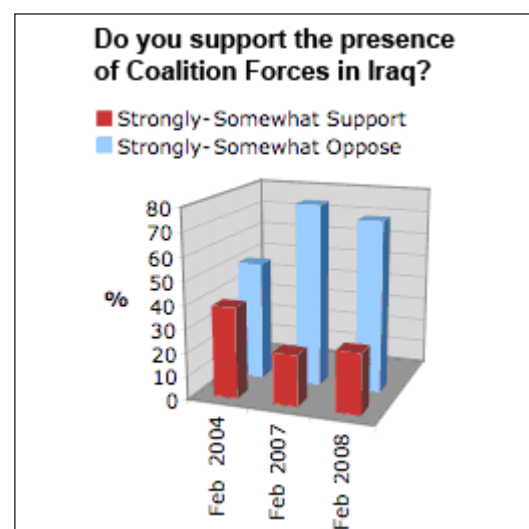
Type of Tactics

The use of improvised explosives devices (IED's) during 2004 accounted for 26 percent of US military combat deaths and became the number one killer of US military personnel in 2005. The rapid inflation in the use of these devices is significant; the number of IED's deployed by insurgents doubled during the 2007-2008 period and their average lethality vis-à-vis US troops reached 40.5 percent in April 2008.

Support of the population

In 2006, the attacks on US-led forces were supported by 61 percent of the Iraqi population. If we consider the evolution of the population's support toward the coalition over the last four years, the following graph highlights an overall negative tendency. In another survey conducted in August 2007, 21 percent of the respondents blamed Al-Qaeda and 19 percent pointed the finger at coalition forces. Having highlighted the complexity and high sensitivity of the Iraqi counterinsurgency

campaign, we shall now integrate the presence of private contractors into this framework.

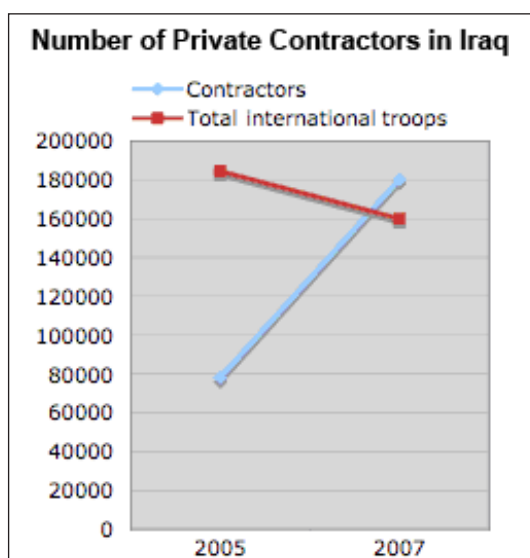


Private contractors

The number of troops required for the occupation of Iraq was evaluated prior to the invasion at approximately 300,000 by the chief army planner and the Army Chief of Staff General Shinseki. This number was considered wildly off the mark and was therefore rejected by the Pentagon; the peak of the coalition's troop numbers reached 184,500 in 2005. The pre-war underestimation of the number of soldiers was further aggravated by the Coalition Provisional Authority's (CPA) de-Baathification program and by the subsequent abolition of the defense ministry, the Iraqi army and the intelligence services.

As a result, coalition forces found themselves unable to maintain security early on; indeed, the number of personnel was insufficient to prevent looting, secure the border, gather human intelligence and cope with increasing guerrilla and terrorist attacks. Private military and security corporations were therefore used as substitute forces.

As the following graph demonstrates, at the end of 2007 the number of private contractors surpassed the number of soldiers as over 180,000 private contractors were working in Iraq. Approximately 40,000 of these 180,000 contractors were employed in static security and the protection of civilian supply convoys. Some major contracts amount to US\$ 480 million for protecting US military bases theatre-wide, and US\$ 475 million to provide intelligence for the US army and security for US Army Corps of Engineers personnel. Having



highlighted the flexible side of private contracting in Iraq, we shall now address three cases of high media coverage that will emphasize the control requirements of the conceptual balance.

Blackwater ambushed in Fallujah

A congressional committee investigation into the ambush and killing of four Blackwater agents in Fallujah on 31 March 2004 revealed that the private agents were unprepared for their missions. Indeed, these agents lacked armored vehicles, ammunition, weapons and communication systems and failed to identify the proper destination for their convoy. Further, their site manager decided to understaff them, cutting their teams from six to four in order to leave two on administrative duty. The employees protested, arguing that this would curtail their field of fire. They also requested some time to calibrate their weapon sights, as they had just been flown in. All their requests were rejected and they were sent unprepared and understaffed on a mission and later ambushed in Fallujah. The failure of their mission prompted a US military offensive on Fallujah that caused the death of 36 soldiers, 200 insurgents and 600 Iraqi civilians.

Abu Ghraib abuses

The final report concerning the abuses and intelligence activities at Abu Ghraib prison at the beginning of 2004 emphasizes the use of private contractors for interrogation, analysis and linguistics tasks. Two private military companies were hired; CACI possessed a contract for interrogation and intelligence services and TITAN hold a contract for linguistic services. Despite the high sensitivity of the subject, no investigation into the background or

prior experiences of CACI-contracted interrogators took place. According to the investigation 35 percent of contracted interrogators lacked formal military training as interrogators and 36 percent of the contractors were involved in the proven abuses cases.

The Blackwater shootings

In September 2007, Blackwater agents allegedly shot civilians without provocation; 17 people including women and children died and 27 others were wounded. This prompted a move by Iraq's prime minister to expel the private military company from the country and another congressional investigation into Blackwater's activities. A memorandum to Congress reveals that in the 195 Blackwater-related cases of force escalation that occurred since 2005, in 84 percent of the cases its agents fired the first shots from moving vehicles and left the scene without establishing whether there were any casualties.

ANALYSIS

Flexibility

The case of Iraq demonstrates how well the reliance upon market resources has allowed the army to increase its combat potential. Private contractors are currently more numerous than military forces, allowing soldiers to focus on combat missions. Both strategically and tactically, it can be said that private military contractors have fulfilled most needs by their number and expertise. However, if most needs have been covered, two further questions arise: 1) Was flexibility sufficient? 2) Was flexibility satisfactory?

CONTROL

Was flexibility sufficient?

The question of sufficiency can be seen in the statement by US Ambassador L. Paul Bremer at a CPA meeting in November 2003: "The major threat comes from criminal elements." The proto-insurgency stage is a period during which insurgent groups are still small and incapable of violence and is a key moment during which movements are being framed according to a process of grievance attribution and social construction. It is crucial to tap popular complaints early on, as counterinsurgency success will worsen from one stage to the next.

A market reallocation of factors takes time. With an initial insufficiency of troops, coalition forces found themselves unable to stop the looting or to secure the multiple stockpiles of weapons dispersed throughout the country. As a result, insecurity and criminality grew, and weapons were left at the disposal of future insurgents. No matter how

good the quality of planning, the fog of war and friction will remain. However, in this case, a higher number of troops would have enabled a quick reorientation and re-adaptation of the armed forces in order to allow them to cope with the unforeseen.

Market flexibility was sufficient to meeting the range of services and expertise needed, but insufficient to secure an effective timing of its response. As a consequence, the loss of control over initiative has to be underlined, as external structures limited the adaptation of the armed forces and therefore their operational rhythm.

Was flexibility satisfactory?

The state of flexibility needs to be assessed in regard to the attainment of the war's objectives. The US program to neutralize insurgency involves clearing areas of enemy control and undermining the enemy's influence over the local populace and building up Iraqi forces.

However, to precisely address the tactical and strategic objectives of the military forces involved in a counterinsurgency campaign, we need to address some historical counterinsurgency principles: 1) Citizens respond to everyday public safety and services; 2) the main role of military operations is to secure the population, as opposed to killing insurgents; 3) superior firepower will fail if seen to be illegitimate; 4) coherence in strategy has to be established between all services; 5) isolating insurgents from the population is more efficient than killing them; 6) the use of NTIC (new technology of information and communication) sharpens the capabilities of insurgents.

As these points highlight, the core task of armed forces in a counterinsurgency is not pure combat. Indeed, in such a conflict, civilians are the centre of gravity for both sides as insurgents and counterinsurgents compete for their support. By extension, an effective counterinsurgency campaign is founded on two pillars. The first pillar is unity of effort and command. If unity of efforts should orientate the totality of services participating in a counterinsurgency campaign (NGOs, IGOs, etc.) to ameliorate the overall well-being of the population, unity of command is mainly concerned with the coordination of security forces in order to protect the same population. The second pillar is legitimacy of intent and in the use of force: again, legitimacy of intent should orient the totality of counterinsurgency partners and legitimacy in the use of force chiefly concerns

the armed forces and the security apparatus. It should be emphasized that a focus on legitimacy enables successful human intelligence gathering, intelligence that will, in turn, permit discriminatory action against heckler elements. Furthermore, legitimacy represents an "indirect approach" that helps transform insurgents into a residual threat by undermining the sources of their logistic capability, intelligence and human personnel.

Unity of effort and command

The Blackwater case in Fallujah, demonstrates how the company ignored warnings from the Control Risks Group about the "risk evaluation" of the mission; these contractors were sent to one of the most dangerous zones in Iraq in an unarmored vehicle. They were unprepared and understaffed. According to one of the employees, "this company cared about one thing, money." This highlights the non-unity in doctrine between, on the one hand, private companies that are "profit-oriented" and therefore place limits on costs to maximize profit, and, on the other hand, military forces that are "force protection" oriented, and therefore exercise caution to maximize safety.

The Abu Ghraib case highlights the fact that contractors' personnel were not properly supervised within the detention facility and that they benefited from uncontrolled access to the detention areas. Moreover, "having civilians in various outfits in and about the detainee area causes confusion and may have contributed to difficulties in the accountability process and with detecting escapes." This case shows that despite the integration of private contractors into the military apparatus itself, problems of supervision (unity of command) and lack of uniform behavior (unity of doctrine) still segregates civilians from soldiers.

In the Abu Ghraib case, it could be argued that soldiers played an equal part in the commission of abuses. However, it has been demonstrated that the integration of civilian contractors reinforced the existing lack of control over human elements. Indeed, the investigation report highlights a general confusion among military personnel about the roles, responsibilities and accountability of private contractors.

Fallujah and Abu Ghraib demonstrate that commanders can lose control over the level of violence created by the autonomous actions of exogenous elements not integrated in the chain of command but present in the theatre of war.

The issue of accountability further reinforces this negative trend; indeed, where soldiers are subject to an internal disciplinary system leading to court martial, private contractors are not. To conclude, these cases demonstrate that armed forces may be subjected to a loss of control on unity of effort and command, as a result of the actions of private military contractors. As a consequence, friction increases and the concentration of effort toward the objective is curtailed.

Legitimacy of intent and legitimacy in the use of force

In the case of Blackwater in Fallujah, the failure of private contractors prompted a political decision to order an offensive on Fallujah. The legitimacy of intent and in the use of force of the US troops was publicly undermined, as heavy weaponry had to be used against Sunni insurgents who were strongly “barricaded” in a highly-symbolic city for Muslims. The Abu Ghraib case demonstrates that “the lack of training, qualifications and certification of private contractors created the potential for non-compliance with applicable doctrine and law.” The extent of their participation in the abuses undermined the legitimacy of intent of coalition forces.

The Blackwater shooting of civilians publicly demonstrated how private contractors were acting according to their own standards with out regard for the rules of engagement or of international law. The report submitted to the US Congress highlighted the fact that the three private protection companies hired by the US Department of State (Blackwater, DynCorp and Triple Canopy), had been officially employed for defensive protection missions. However, they fired the opening shot in more than half of all cases of force escalation. No available data for military cases of force escalation exists. However, military rules of engagement require positive identification prior to the use of lethal force and forbid strikes on civilian elements except in cases of self-defense. These three cases (Fallujah, Abu Ghraib and the actions by private protection contractors) converge toward a loss of control on legitimacy of intent and in the use of force. The high media coverage of these events further amplified their effects and adversely affected counterinsurgency efforts intended to gain popular support.

CONCLUSION

The flexibility offered by private contractors is a crucial asset to the military apparatus; contractors

multiply force, offer the possibility to maintain highly-technological skills and increase the adaptation range within the theatre of war itself by providing support and expertise on demand.

On the other hand, a loss of control may occur at a strategic level on the unity of command, on legitimacy in the use of force, on the level of violence and on the initiative factor. Finally, on the tactical level, a loss of control on reliability in the face of danger, on the monitoring of aptitudes, and on the maintenance of secrecy may equally occur.

The flexibility-control balance scores differently according to the intensity of the conflict. In a high-intensity conflict, characterized by a lethal battlespace and the massed effects of powerful weapons, the degree of control required on private contractors does not bear the same characteristics that it would in a low-intensity conflict. Indeed, in a high-intensity conflict, one should expect efficiency to take precedence over legitimacy.

This paper focused on a low-intensity conflict and more particularly on a counterinsurgency campaign. As we have seen, in such a context the reverse applies: legitimacy takes precedence over efficiency and therefore what matters most is the protection of the population in order to obtain its tacit and active support. The complexity and high sensitivity of the Iraqi theatre has been highlighted, and the flexibility-control balance has been evaluated by answering two questions: 1) Was flexibility sufficient? 2) Was flexibility satisfactory?

Flexibility was sufficient as to the extent of a contractor’s support in terms of number and expertise; however, it was insufficient with respect to the time necessary to reallocate factors, and therefore created a loss of control on the initiative factor. The second question related to flexibility satisfaction was addressed by identifying the two pillars of counterinsurgency that were defined as unity of effort and command and, legitimacy of intent and in the use of force.

The comparative analysis of three cases of high media coverage in which private contractors were involved (Blackwater in Fallujah, CACI and TITAN in Abu Ghraib and the actions by private protection contractors) had a negative influence on both accounts. Indeed, despite the diversity of the missions and the range of private contractor companies involved, a loss of control on unity of command and a loss of control on legitimacy in the

use of force has been underlined. Both principles have to be conceived as ideal types, as even in the case of a war devoid of privately contracted personnel, their complete fulfillment would still be impeded by friction. However, the presence of civilians in a theatre of war will further aggravate their erosion if the balance between flexibility and control is not properly considered.

To conclude, the overall objective of this paper has been to highlight the importance of a flexibility-control balance. A variation of conflictual intensity means a variation of contextual sensitivity; if sensitivity changes, so shall the behavior of actors at war. Therefore, a flexibility-control balance should be understood as a dynamic, worst-case evaluation scenario, in which the extent of involvement of private contractors is assessed in relation to the sensitivity of the context of operations.

The focus should not rest on the advantages given by flexibility alone, but equally on the potential consequences of mission failure on the tactical and strategic objectives of the national armed forces. This flexibility-control balance and its dynamic, worst-case evaluation scenario, should thus enable a better assessment on the amount of control needed on private contractors, and on the type and extent of their missions with the armed forces and within the theatre of war itself.

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⁵⁶ I am indebted to William Josiger for the "ideal type" observation.

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