Private Military Contractors' Impact on Uncertainty in Modern Conflict

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Introduction

> *Americans attacked and killed. Bodies burnt and dragged through the streets.*
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> *Jubilant mobs cheering. TV coverage, for all the world to see.*

The described scene might sound like the 'Black Hawk Down' incident in Somalia, 1993, in which the downing of a U.S. helicopter triggered a fatal rescue mission.[1] However, this incident did not take place in Mogadishu. Rather it depicts events from 2004, in the town of Fallujah, Iraq. There, four U.S. private military contractors (PMCs) employed by the private military security company (PMSC) *Blackwater* were killed while conducting a routine food delivery mission. The incident known as the "Fallujah Ambush" had an immediate impact on U.S. strategies and objectives in Iraq, much like "Black Hawk Down" had in Somalia. The "Fallujah ambush" triggered a rushed large-scale U.S. operation to clear the city.[2] While both incidents led to relative tactical failures on the U.S. side, the most distinct difference between the two incidents was perhaps the employer-employee relationship of its victims. The "Fallujah ambush" became the first time an attack on a privatized armed actor in a conflict served as a catalyst for a U.S. military operation and tactical strategic shift.[3] As this paper will show, the presence of PMCs in conflict can contribute to a type of uncertainty like the one that led to a premature operation to clear Fallujah.

In today's battlefields, PMCs have become an essential part of modern military interventions. Figures from 2016 in Iraq and Afghanistan show that PMCs constitute a large share of U.S. contracted

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[1] Mark Bowden, *Black Hawk down: a story of modern war*, (New York: New American Library, 2002), 188.

[2] Gerald De Lira Jr., *The Anger of a Great Nation: Operation Vigilant Resolve*, MA diss., (United States Marine Corps, Command and Staff College, Marine Corps University, 2009, Quantico, VA), ii, accessed December 28, 2017, http://www.dtic.mil/dtic/tr/fulltext/u2/a509044.pdf.

[3] Jeremy Scahill, *Blackwater: The Rise of the World's Most Powerful Mercenary Army,* (New York: Nation Books, 2007), 204-206.

personnel.[4] In Iraq, the ratio of PMC to U.S. military personnel was 1:1[5] and in Afghanistan, the ratio was almost 3:1[6]. Additionally, in July 2017, President Donald Trump's advisors recruited businessmen Erik D. Prince and Stephen A. Feinberg to propose alternatives to a Pentagon-planned troop surge in Afghanistan.[7] The two businessmen have both earned billions of U.S. dollars on their respective PMSCs, namely Blackwater Worldwide and DynCorp International.[8] Hence, it is clear that PMSCs are an aspect of modern conflict that is essential to consider for anyone who seeks to understand the broad variety of actors who influence the outcome of contemporary conflicts.[9] Literature on the topic of PMCs is emerging as its increasing impact is becoming clearer to policymakers, military commanders and academics alike. However, a study focusing on how the increased privatization of international violence is influencing uncertainty on the modern battlefield is lacking. Therefore, this paper seeks to explore how the utilization of PMCs has affected the level of uncertainty experienced in modern conflicts. As an example, the U.S. interventions in Iraq and Afghanistan will at times be drawn upon.

In this article, I will present the theory of neomedievalism to understand the increased use of PMCs in contemporary conflicts. I will then attempt to theoretically conceptualize the idea of "uncertainty." Lastly, I will discuss four factors of uncertainty brought on by PMCs in order to make sense of how PMCs impact uncertainty in conflict.

The Re-Emergence of Privatized Warfare

In medieval times private actors on the battlefield were the norm.[10] Some examples include the Varangian Guard of the Byzantine Empire, the condottieri, landsknechts, the Swiss companies and other notorious mercenary armies.[11] However, with the Peace of Westphalia in 1648, nation-states decided to monopolize the use of force which led to the rise of nationalized armies.[12] The era of nationalized monopoly on the use of force came to an end with the power vacuum that emerged after the Cold War.[13] As the Cold War ended, so too did the arms race between the U.S. and USSR that had

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[4] Heidi M Peters, Moshe Schwartz and Lawrence Kapp, *Department of Defense Contractor and Troop Levels in Iraq and Afghanistan: 2007-2017*, CRS Report No. R44116 (Washington, DC: Congressional Research Service, 2017), https://fas.org/sgp/crs/natsec/R44116.pdf.

[5] *Ibid*., 9-11.

[6] *Ibid*., 5.

[7] Mark Landler and Michael R. Gordon, "Trump Aides Recruited Businessmen to Devise Options for Afghanistan," New York Times. July 10, 2017, accessed October 17, 2017, https://www.nytimes.com/2017/07/10/world/asia/trump-afghanistan-policy-erik-prince-stephen-feinberg.html.

[8] "The World's Billionaires: #1062 Stephen Feinberg." Forbes. May 03, 2008, accessed October 11, 2017, https://www.forbes.com/lists/2008/10/billionaires08_Stephen-Feinberg_617L.html;
"Erik Prince Net Worth." The Richest, accessed October 11, 2017, https://www.therichest.com/celebnetworth/celebrity-business/men/erik-prince-net-worth/.

[9] Sean McFate, *Modern mercenary: private armies and what they mean for world order* (New York: Oxford University Press, 2017), 10-12.

[10] McFate, *Modern mercenary,* 28.

[11] *Ibid*.

[12] *Ibid*., 64-65

[13] Peter W. Singer, "Corporate Warriors: The Rise of the Privatized Military Industry and Its Ramifications for International Security," *International Security* 26, no. 3 (Winter 2001/02), 8.

provided a fragile equilibrium of peace for nearly half a century. Policymakers realized that military expenditures that intended to serve as deterrents in an all-encompassing bilateral conflict now could be decreased. Military downsizing on a global scale ensued and soon the armies of the world had relieved over 6 million former soldiers of their work.[14] Thus, a workforce with a specifically specialized skill-set entered the job market at a time when the landscape of international politics and conflict was undergoing significant changes. Additionally, the last quarter of the 20th century saw a steady decline in interstate wars, while the number of intrastate conflicts increased.[15] With the end of the Cold War, civil conflicts no longer functioned as proxy battlefields for the two superpowers, and the threshold for international intervention thereby increased.[16] This further increased the market need for PMCs. In the words of Timothy Spicer, the former chief executive of PMSC Aegis Defence Services:

> *The end of the Cold War has allowed conflicts long suppressed or manipulated by the superpowers to re-emerge. At the same time, most armies have gotten smaller and live footage on CNN of United States soldiers being killed in Somalia has had staggering effects on the willingness of governments to commit to foreign conflicts. We fill the gap.*[17]

These civil conflicts combined with an abundance of job-seeking ex-military personnel formed an environment conducive to the re-emergence of international private violence in the form of PMCs. As this article will argue, the re-emergence of PMCs might impact the levels of uncertainty experienced in conflicts if not addressed properly.

Theory

Neomedievalism

Sean McFate has argued that the re-emergence of PMCs can be viewed as conflict going back to its old, pre-Westphalian, ways. This is explained by his "neomedievalism" theory.[18] Neomedievalism is described as an international sphere that is "non-state-centric and multipolar… characterized by overlapping authorities and allegiances."[19] He argues, much like Spicer did after the Cold War, that the current dominance of nation-states will be reduced, and part of the security void will be filled by PMCs. McFate does not claim that this development will lead to the same anarchical political

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[14] *Ibid.*, 9.
[15] Kendra Dupuy, Scott Gates, Håvard M. Nygård, Ida Rudolfsen, Håvard Strand, and Henrik Urdal, *Trends in Armed Conflict, 1946–2015*, Publication no. 8. Conflict Trends, (Oslo: PRIO, 2016), 2.
[16] Singer, "Corporate Warriors", 10.
[17] *Ibid.*, 11.
[18] McFate, *The Modern Mercenary*, XIV.
[19] *Ibid.*

landscape as pre-Westphalian medieval Europe. Rather, he argues that the current global system will endure, but instead of ending conflicts, this system will be more likely to contain them.[20]

Medieval conflicts experienced problems of coordination between privatized and nationalized actors. Mercenaries of medieval times were motivated by profit. This meant that their loyalty was not guaranteed. The highest bidder got the services of a mercenary army. Thus, a ruler could not know for sure whether his hired band of mercenaries would show up on his side of the battlefield come the eve of war.[21] Enforcing contracts in the market for force was hence a challenge that reduced coordination in medieval military operations.[22] As this paper will show, these aspects also feature in modern conflicts.

The theory of neomedievalism, albeit an attractive one considering that there has been a re-emergence of private military actors, arguably suffers from simplification. The name of the theory itself suggests that state monopoly on violence will end. It describes a return to a situation where hired bands of private enforcers will constitute the main source of global violence. With today's increasingly unstable global political environment, it would be unrealistic for nation-states to give up their monopoly on violence and the power that modern states attained with the Westphalian peace of 1648. This is evidenced by a sense of global insecurity and the fact that military spending is increasing globally, especially in Europe.[23] European governments are typically not hiring PMCs, with their main employer being the U.S.[24] Still; nation-states are likely to outsource a number of tasks that are essential to run large-scale military operations. However, as made evident by the number of actual armed PMCs in Afghanistan and Iraq, nation-states are cautious with outsourcing the more violent aspects of warfare.[25] Therefore, I would claim that a return to the medieval system of large, fully self-sustained and functioning military enterprisers is unlikely.[26] The term neomedievalism portrays a return to an unlikely military reality. Still, it also communicates how private military actors are once again becoming a factor on modern battlefields that should be of high importance to policymakers and military commanders. It is a matter of fact that the Westphalian states' monopoly on violence, while unlikely to disappear, is experiencing a reformation. States' monopoly on violence is declining in the

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[20] *Ibid.*, 6.
[21] *Ibid.*, 30-31.
[22] *Ibid.*, 31, 59.
[23] "World military spending: Increases in the USA and Europe, decreases in oil-exporting countries," SIPRI, April 24, 2017, accessed November 15, 2017, https://www.sipri.org/media/press-release/2017/world-military-spending-increases-usa-and-europe.
[24] McFate, *The Modern Mercenary*, 4.
[25] *Statistics on PMCs tasked with security work shown in pie chart on page 2 of the documents listed here*: CENTCOM, "Quarterly Contractor Census Reports," accessed November 5, 2017, https://www.acq.osd.mil/log/PS/CENTCOM_reports.html.
[26] McFate, *The Modern Mercenary*, 14.

sense that they are no longer the sole enforcers of legitimate violence, but they still pay the soldiers who enforce it.[27]

Theory of Uncertainty

Uncertainty will here be defined as "a situation in which something is unknown", as per the Cambridge dictionary.[28] The abstract nature of the term makes it difficult to define and measure. In this paper, "uncertainty" will be used as the overarching theory to illustrate whether the use of PMCs in conflict results in conflict situations consisting of "more unknowns". In this sense, having a conflict situation in which several factors are "more unknown" would make it more uncertain, which in a conflict-context can be very dangerous. Thus, within a situation of conflict, uncertainty is arguably one of many factors with the ability to escalate its severity.[29] As such, uncertainty in conflict may very well be both the reason for why a conflict erupted in the first place, as well as a driver for protracted conflict. This paper will primarily address uncertainty at a tactical level.

Many scholars have attempted to make sense of the term "uncertainty" and several theories exist regarding the concept. For instance, psychological strategic uncertainty has been used to describe uncertainty concerning the actions and beliefs of others. Strategic uncertainty has been used in psychological game theory to describe why and how people act the way they do. Later, this theory has been widely used in business environments and financial planning.[30] Meirowitz and Satori have used that theory to discuss how states may use strategic uncertainty as a means to create asymmetric information uncertainty, which eventually leads to wars. This entails that states create and keep secrets relating to their military capabilities and capacities to create strategic uncertainty which would enable them to do better in a negotiation or conflict.[31] However, the theory and definition of strategic uncertainty are not wholly adequate for the purpose of this paper. This paper seeks to uncover how the presence, or more precisely the tactical activities, of PMCs may lead to increased uncertainty, *i.e.* more unknowns in a conflict, even when this is not the intended consequence.

Another way of envisioning uncertainty has been as "fog". This phrasing has often been accredited to Carl von Clausewitz, but it was Colonel Lonsdale Hale who first described the "fog of war".[32] The

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[27] Molly Dunigan, *Victory for hire: Private security companies impact on military effectiveness*, (Palo Alto: Stanford University Press, 2011), 152.

[28] "Uncertainty Meaning in the Cambridge English Dictionary," *Cambridge Dictionary*, accessed November 12, 2017, https://dictionary.cambridge.org/dictionary/english/uncertainty.

[29] Norman Schultz, "Uncertainty," *Beyond Intractability*, Eds. Guy Burgess and Heidi Burgess, Conflict Information Consortium, University of Colorado, Boulder, January 2004, accessed November 15, 2017, http://www.beyondintractability.org/essay/fact-finding-limits.

[30] Stephen Morris and Hyun S. Shin, "Measuring Strategic Uncertainty," *Pompeu Fabra workshop*, July 31, 2002, accessed December 28, 2017, http://www.nuff.ox.ac.uk/users/Shin/PDF/barcelona.pdf.

[31] Adam Meirowitz and Anne E. Sartori, "Strategic Uncertainty as a Cause of War," *Quarterly Journal of Political Science*, September 5, 2008. accessed December 27, 2017, https://pdfs.semanticscholar.org/7b31/c6f3f49bc35aaa77f8d54b0060abea732f1b.pdf.

[32] Lonsdale Hale, *The Fog of War*, (Charing Cross, S.W: Edward Stanford, 1896).

term has later been popularized in the critically acclaimed documentary film about the life lessons of former U.S. Secretary of Defense, Robert S. McNamara. He stated that "what "the fog of war" means is [that] war is so complex it's beyond the ability of the human mind to comprehend all the variables. Our judgment, our understanding, are not adequate. And we kill people unnecessarily."[33] As such, the "fog," or the "unknowns," in a conflict is a source of friction that is likely to cost lives if it is not managed correctly. This is apparent when one looks at how interconnected uncertainty and military intelligence is.[34] The reduction of uncertainty is arguably the main rationale for all military intelligence activity. Figuratively speaking this paper will examine how the presence of PMCs in a conflict impacts the overall thickness of the fog of war.

Operationalizing the term "uncertainty" is no easy feat, as the inherent ambiguity of both conflicts and its influencing factors (in this case uncertainty), leaves much unanswered. However, one way to operationalize uncertainty regarding PMCs presence in conflict is to look at the number of "blue-on-white" incidents in areas where PMCs have been employed. Blue-on-white is a term used for incidents where regular forces fire on friendly forces, such as PMCs.[35] When friendly forces (such as regular forces and PMCs) fire on one another, there is arguably a level of dysfunctionality in how the conflict is being managed or fought. In theory, PMCs and regular forces are "on the same team." Yet, as this paper will argue, when the number of PMCs within a conflict increases, certain factors of conflict (such as coordination, motivation, rules of engagement and legitimacy of forces) may lead to aspects of the conflict becoming "less known" and hence more uncertain.

When the blue-on-white operationalization is not applicable, uncertainty will be seen as an escalation of "general friction."[36] Carl von Clausewitz used the term "general friction" to describe the complexities of war, whereby he sees friction as one of the few factors which separates war in real life from war on paper. In reality, the "atmosphere of war" is characterised by disagreements, which cause "general frictions" between groups. These frictions contribute to conflict escalation and a conflict becoming more uncertain and severe. He further notes that these frictions cannot be measured, but can be analysed to understand uncertainty of conflict.[37]

Assessing the level of uncertainty in this article will mainly be an exercise in qualitative analysis. I will assess four selected factors of conflict (coordination, motivation, rules of engagement and legitimacy of regular forces) and assess how PMCs might affect uncertainty. The impact on

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[33] *Fog of war*, directed by Errol Morris, performed by Robert S. McNamara (USA: Sony Pictures Classics, 2003), DVD: 01:40:19 – 01:40:43.

[34] Antulio J. Echevarria, *Clausewitz and Contemporary War,* (Oxford, UK: Oxford University Press, 2007), 103.

[35] U.S. House of Representatives, *Rebuilding Iraq: U.S. mismanagement in the Middle East,* (New York: Cosimo-on-Demand, 2005), 27.

[36] Echevarria, *Clausewitz and Contemporary War,* 103.

[37] *Ibid*.

uncertainty will be explained by how PMCs impact the number of blue-on-white incidents or escalate general friction in relation to each of these factors.

Factors of Uncertainty Created by PMC Use

The third part of this article seeks to promote understanding about how PMCs influence uncertainty in conflict. This will be done by looking at four factors relating to the realities of PMC presence, and discussing how these factors might impact uncertainty.

Coordination

When P. W. Singer concluded his book *Corporate Warriors*, he argued that "(1) a new industry had entered global politics, (2) that it was important, and (3) that our policies and understanding were not yet ready for it."[38] The point that a new industry had entered the global political scene has ramifications on a tactical level. The re-emergence of privatized warfare meant that a new type of actor entered the battlefield. The economic outlook for PMSCs drastically improved with the attacks on September 11, 2001.[39] As a Pentagon spokesman put it when discussing PMSCs; "the war on terrorism is the full employment act for these guys."[40] PMCs were now being employed in roles ranging from armed personnel with offensive postures to the people cooking dinners for regular forces. This meant that regular forces had to coordinate and interact with PMCs daily. The question is how coordination between PMCs and regular forces impacts uncertainty on the battlefield?

As with any two separate entities working together, coordination is vital. Without coordination, many factors within a conflict remains unknown, thereby increasing its uncertainty. As mentioned earlier, a way to operationalize uncertainty can be to measure it in blue-on-white incidents. When coordination is lacking between regular forces and PMCs, such incidents become more likely because of unawareness of the others' movements, goals and strategic plans. For instance, in May 2005, 16 contractors belonging to PMSC Zapata Engineering were detained for allegedly opening fire on a U.S. Marines watchtower in Iraq.[41] This became one of many blue-on-white incidents in Iraq and illustrates how the interaction between contractors and regular forces routinely created dangerous situations in an already dangerous environment.

Following the Zapata Engineering incident, the U.S. Department of Defense recognized the need for an independent oversight entity that could formalize and structure coordination between regular and

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[38] Peter W Singer, *Corporate warriors: the rise of the privatized military industry,* (Ithaca, NY: Cornell Univ. Press, 2008), 250.

[39] *Ibid.*, 232.

[40] Esther Schrader, 'U.S. Companies Hired to Train Foreign Armies." *Los Angeles Times*, April 14, 2002, accessed November 25, http://articles.latimes.com/2002/apr/14/news/mn-37825

[41] David Phinney, "Marines Jail Contractors in Iraq: Tension and Confusion Grow Amid the "Fog of War"," *CorpWatch*, June 07, 2005, accessed December 03, 2017, http://www.corpwatch.org/article.php?id=12349.

PMC forces.[42] This requirement resulted in the establishment of the Reconstruction Operation Center (ROC).[43] The purpose of the ROC was to disseminate intelligence, contribute to joint situational awareness and synchronize the interactions between regular forces and contractors.[44]

The ROC gathered data between November 2004 and August 2006 that suggests that the majority of blue-on-white incidents happened in the vicinity of military checkpoints. According to a Rand Corporation report, this points to a lack of coordination between PMCs and military forces.[45] Between July 2004 and April 2005, the advocacy organization Human Rights First reported that 610 blue-on-white incidents were registered, with these numbers likely being highly underreported.[46] Part of the problem has been argued to be the lack of interoperable radios that PMCs could carry to communicate directly with military forces.[47] This led to misunderstandings, which often resulted in blue-on-white incidents, *i.e.* increased uncertainty.[48]

With the implementation of the ROC, coordination between entities in Iraq improved, and so too did the number of blue-on-white incidents. As such, improving coordination reduced the level of uncertainty. The ROC should therefore be replicated in other battlefields where both contractors and military personnel constitute larger portions of an intervening force as a means to decrease levels of uncertainty.[49] When personnel in a stressful environment, such as a war zone, also are armed, they should at least have a mechanism that seeks to provide seamless information exchange and communication between them. The Rand Corporation also suggests that blue-force tracker systems should be mandatory in those environments.[50] These systems decrease uncertainty by providing locational data on all friendly forces that are equipped with them. This, in turn, could result in more predictable confrontations in for example the aforementioned checkpoint scenarios.

Following this argument, Engbrecht, Clark and the Rand Corporation has argued that standardized communications that enable PMCs to communicate effectively with the military would provide a good way to improve coordination between regular and contracted forces, as it would significantly decrease

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[42] Sarah K. Cotton, Ulrich Petersohn, Molly Dunigan, Q. Burkhart, Megan Z. Cotugno, Edward O'Connell, and Michael Webber, *Hired Guns: Views About Armed Contractors in Operation Iraqi Freedom*, (Santa Monica, CA: Rand Corporation, 2010), 37, https://www.rand.org/pubs/monographs/MG987.html.

[43] Christa Moesgaard and Stine Heiselberg, *Private Military Companies in Counter-insurgency Strategy*, Policy brief, Danish Institute for International Studies, (Copenhagen: DIIS, 2011), 4.

[44] Cotton, Petersohn, Dunigan, Burkhart, Cotugno, O'Connell and Webber, *Hired Guns,* 37.

[45] *Ibid.*, 38.

[46] Caroline Varin, *Mercenaries and the state: how the hybridisation of the armed forces is changing the face of national security*, PhD diss., (London School of Economics and Political Science University of London, 2012), 188.

[47] Dunigan, *Victory for hire,* 160.

[48] *Ibid*.

[49] Cotton, Petersohn, Dunigan, Burkhart, Cotugno, O'Connell and Webber, *Hired Guns,* 37.

[50] *Ibid.*, 65.

levels of uncertainty.[51] Yet, even with standardized communications, some issues might remain. For instance, it has been noted that PMCs are often recruited from developing countries where wages are lower, and labour therefore is cheaper.[52] This often presents the obvious language barrier, but also problems with varying levels of military training and cultural military differences, for example in military core values. As a result, coordination might suffer and blue-on-white incidents might increase, representing uncertainty in the conflict.

Another type of equipment that could contribute to increased coordination, and therefore less uncertainty, between PMCs and military employees are uniforms.[53] The lack of standardized uniforms for PMCs makes it harder for regular forces to recognize and coordinate with PMCs. This increases the likelihood of blue-on-white incidents and uncertainty. Uniforms on armed personnel in war zones are a requirement according to the Geneva Convention. The Convention stipulates that 'parties to a conflict are required at all times to distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly must conduct their operations only against military objectives.'[54] This requirement also has the practical function of letting people see which armed group a soldier belongs to. It could, therefore, be argued that PMC personnel would benefit from wearing outfits that make them distinguishable from civilians or potential threats.[55] When regular forces are unable to identify who they are observing (in combination with poor coordination), it makes blue-on-white incidents more likely and arguably increases uncertainty.[56] To summarize, effective coordination between regular and contracted forces is crucial in reducing uncertainty on the battlefield.

Motivation

The 2003 "Why They Fight"-study of combat motivations concluded that regular soldiers in Iraq were motivated by fighting for each other as well as more sophisticated moral reasons.[57] With PMCs having become such a prominent feature on the modern battlefield, it poses the question of how they are motivated? If their motivations differ from that of regular forces, the resulting frictions might impact uncertainty.

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[51] Shawn Engbrecht, *America's covert warriors: inside the world of private military contractors*, (Washington, D.C.: Potomac Books, 2011), 216;
Martha K. Clark, "In The Company of Soldiers: Private Security Companies Impact on Military Effectiveness and the Democratic Advantage," (PhD diss., Cornell University, 2008), 147;
Cotton, Petersohn, Dunigan, Burkhart, Cotugno, O'Connell and Webber, *Hired Guns,* 65.

[52] José L. G. del Prado, "Impact on Human Rights of Private Military and Security Companies' Activities," Global Research, October 11, 2008, accessed November 15, 2017, https://www.globalresearch.ca/impact-on-human-rights-of-private-military-and-security-companies-activities/10523.

[53] Engbrecht, *America's covert warriors*, 216.

[54] Toni Pfanner, "Military uniforms and the law of war," International Review of the Red Cross 86, no. 853 (March 2004), 104, Accessed December 07, 2017, https://www.icrc.org/eng/assets/files/other/irrc_853_pfanner.pdf.

[55] Varin, *Mercenaries and the state*, 189.

[56] Cotton, Petersohn, Dunigan, Burkhart, Cotugno, O'Connell and Webber, *Hired Guns,* 45.

[57] Leonard Wong, Thomas A. Kolditz, Raymond A. Millen, and Terrence M. Potter, *Why They Fight: Combat Motivation in the Iraq War*, (United States: US Army War College, 2003), 23, https://ssi.armywarcollege.edu/pdffiles/PUB179.pdf.

Kateri Carmola has argued that PMCs are similar to the auxiliaries of the Roman Empire; the non-roman citizens who served alongside the Roman forces on the outskirts of the Empire.[58] In *The Prince*, Niccolo Machiavelli argued that auxiliaries were "disunited, ambitious, without discipline [and] unfaithful."[59] While the auxiliaries of Machiavellis time and the PMCs of today are quite different, they are similarly recruited to provide military or security-related services. This service is provided primarily based on the motivation of profit.[60] Most PMCs have not been sent to take part in a conflict by their respective nation, but have instead accepted the risk of entering a conflict in return for profit.[61] These are characteristics that point to opposite motivations than those found in regular soldiers in Iraq, who are fighting for each other and a notion of brotherhood.

Molly Dunigan has found that many PMCs are also patriotically motivated.[62] This is feasible seeing that large portions of PMC personnel have national military experience, where some degree of patriotic indoctrination is likely to occur during training. Dunigan, however, also points out the problem posed by the fact that PMCs often receive higher wages than regular soldiers.[63] With PMCs earning as much as ten times more after "going private," it can potentially increase friction between regular and PMC forces.[64] This has in some cases had significant effects on the morale of soldiers.[65] Several studies have shown that decreased morale can have a significant negative impact on the work of armed forces. For instance, lack of morale can lead to higher turnover rates, which further leads to decreased skill levels and thereby impacts the effectiveness of the military in co-deployment situations.[66] Pay discrepancies can also be a source of resentment within regular forces.[67] The previously mentioned Zapata Engineering contractors were several times harassed during their detention.[68] Such a relationship between contractors and regular forces can be a source of tension that might increase general friction, and therefore also uncertainty, in conflict.

Singer argues that PMC personnel do not have the same incentives to finish their contracts as their PMSCs do.[69] When profit is the main motivation, PMCs might be more likely to end their contract if the job becomes too risky. If the pay no longer mirrors the risk involved, the logical thing to do is to

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[58] Kateri Carmola, "The complex identity of the PMSC," In Private security contractors and new wars risk, law, and ethics, 9-38, (Milton Park, Abingdon, Oxon: Routledge, 2010), 16.
[59] Niccolo Machiavelli, *The Prince*, Translated by Harvey C. Mansfield, (Chicago: University of Chicago Press, 1985), 48.
[60] Karen R. Dixon and Pat Southern, *Roman Cavalry: From the First to the Third Century AD,* (New York: Routledge, 1997), 87.
Michael Speidel, "The Pay of the Auxilia," *Journal of Roman Studies* 63 (1973): 146-147.
[61] Prado, "Impact on Human Rights of Private Military and Security Companies' Activities."
[62] Dunigan, *Victory for hire,* 156.
[63] *Ibid*.
[64] Singer, "Corporate Warriors", 15.
[65] Cotton, Petersohn, Dunigan, Burkhart, Cotugno, O'Connell and Webber, *Hired Guns,* 19.
[66] Dunigan, *Victory for hire,* 76, 156.
[67] *Ibid*., 63.
[68] *Ibid*.
[69] Singer, "Corporate Warriors," 23;
Ibid., 66-67.

quit. For instance, In Iraq on April 9th, 2004 a 19-truck convoy was ambushed.[70] The truck drivers had been contracted to provide logistics for U.S. regular forces, but experienced an increased risk of being attacked as they were easy targets amongst an otherwise heavily armed opponent. This led to the truck drivers leaving their jobs in large numbers because the risk was assessed as too high.[71] This, in turn, left the regular forces lacking food and munitions, adding to the general friction and uncertainty in the conflict.

Lastly, being motivated by profit can incline PMCs to not complete their objectives to their fullest extents. According to the principles of war, the main objective of conflict is "the destruction of the enemy's armed forces' capabilities and will to fight."[72] However, this does not go seamlessly along with PMSCs profit-based motivation. When the opponent no longer exists, there is no longer a rationale to keep paying contractors. According to Singer, this might lead to protracted conflict when an unwillingness to risk assets leads to PMCs avoiding to engage the enemy. Singer claims this was the case with Russian PMC fighter pilots who were employed by Ethiopia to fight Eritrea in 1997-99.[73] When armed forces avoid engaging the enemy, it escalates general friction and thus leads to increased uncertainty. However, a study conducted on the effect of PMCs on the duration of civil wars in Africa from 1960-2003 concluded that PMCs quantitatively do not have a clear impact on the duration of conflict. Yet the study emphasized that further research is needed as qualitative and quantitative analysis had differing conclusions on the topic.[74]

To summarize, the discrepancy in the motivations of regular forces and PMCs, whereby PMCs are largely motivated by profit, can create increased uncertainty in conflict. This, I have argued, is because of the profit-safety equation of PMCs and the varying motivations of PMCs impacting the morale of regular forces. This, in turn, leads to a higher turn-over, and thus decreases military skill levels. This may further result in increased blue-on-white incidents and thus increased uncertainty.

Rules of Engagement

As mentioned under the section about coordination, the lack of uniforms makes it difficult to distinguish between combatants and non-combatants. The problems of distinction are further exacerbated by the fact that the lines between offensive and defensive military action are particularly

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[70] *Details on the incident can be viewed between 28:00-29:37 in the documentary located here:* Frontline: June 21, 2005. July 19, 2014, accessed October 17, 2017, https://www.youtube.com/watch?v=o-CHXNGF9ss.

[71] *Ibid.*

[72] William T. Johnsen et al., *The principles of war in the 21st century: strategic considerations* (Carlisle Barracks, PA: Strategic Studies Inst., 1995), 32.

[73] Singer, "Corporate Warriors," 23.

[74] Seth H. Loven, "Private Soldiers in Africa: A Look at the Effects of Private Military Contractors and Mercenaries on the Duration of Civil Wars in Africa from 1960 to 2003," (University of Nebraska-Lincoln, 2013), 47-48, accessed December 3, 2017, http://digitalcommons.unl.edu/poliscitheses/22

blurred in modern combat operations.[75] While PMSC tasks are normally limited to defensive action and the companies regularly laud that they only act in a defensive capacity, they are routinely involved in fire exchanges.[76] Mao Zedong once said that "the only real defence is active defence," meaning that defence is most effective when one's forces are able to take the offensive with counter manoeuvres.[77] The notion of defence as offence is still applicable in modern military tactics. When a combat unit comes under fire the modus operandi is to return fire in the general direction of the attack in such a way that enemy fire is suppressed.[78] This means that when PMC forces that are tasked with defensive security details come under fire they will react with massive fire to take to control of the firefight. This offensive posturing is difficult to distinguish from offensive operations and might lead to the use of excessive force, which in turn might lead to civilian casualties, as well as blue-on-white incidents.[79] The impact of civilian casualties is further explored in part 3.4. in regard to the Nisour Square Massacre.

According to Jose L. Gomez del Prado, PMCs on armed protection missions are indistinguishable from regular forces when they are involved in firefights with insurgents in Iraq.[80] Prado points out that between 2005 and October 2007 Blackwater was involved in 196 shootouts, wherein 84 % of those instances, Blackwater contractors opened fire first.[81]

It is hence fathomable why there are often significant instances of blue-on-white incidents when PMCs maintain offensive postures and often are unrecognizable in their uniforms. This adds uncertainty to conflict.

Undermining the Legitimacy of Regular Forces

International law that regulates the use of PMCs has been critiqued as too broad and vague, enabling contractors to do what they feel is necessary rather than constraining their actions.[82] According to Anna Oeveren, this has led to PMCs basically getting all impunity in their actions.[83] There exists a consensus belief that PMCs might not complete their mission without breaking international laws of

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[75] Prado, "Impact on Human Rights of Private Military and Security Companies' Activities."
[76] *Ibid*.
Varin, *Mercenaries and the state*, 200.
[77] James Holmes and Toshi Yoshihara, "The Best Defense is a Good Offense for China's Navy," In The National Interest, July 06, 2005, accessed December 19, 2017.
https://web.archive.org/web/20080708202350/http://inthenationalinterest.com/Articles/June%202005/June2005Holmes.html.
[78] Anthony King, *The combat soldier: infantry tactics and cohesion in the twentieth and twenty-first centuries*, (Oxford: Oxford University Press, 2013), 227.
[79] Prado, "Impact on Human Rights of Private Military and Security Companies' Activities."
[80] *Ibid.*
[81] *Ibid*.
[82] Alexandre Faite, "Involvement of private contractors in armed conflict: implications under international humanitarian law," *Defence Studies* 4, no. 2 (2004): 170-172, doi:10.1080/1470243042000325887.
[83] Anna van Oeveren, "'Cry 'Havoc!' and let slip the dogs of war': regulating private military and security companies," European View, 162nd ser., 15, no. 155 (May 24, 2016), 158-159.

war because of lacking oversight and transparency.[84] When laws regarding PMCs are not holding contractors accountable and there is a lack of oversight, it becomes a dangerous recipe for human rights offences.[85] Clark has argued that such offences might negatively impact local perceptions on a military presence and hence undermine the work of regular forces.[86] The infamous Abu-Ghraib torture scandal was one incident where human rights violations were perpetrated, and contractors were involved.[87] Such incidents lead to increased uncertainty when the perception of the local populous turns against the intervening force by adding to the general friction of the conflict. This could potentially make locals inclined to harbour and hide the enemy, or worse yet, join them.

Human rights offences have also negatively impacted the counterinsurgency strategy used by U.S. forces in Iraq and Afghanistan which largely relies on winning the hearts and minds of the local populace.[88] This becomes an increasingly difficult task, as if it was not difficult enough to begin with, when PMCs commit human rights abuses. As stated by one of Martha Clark's interview subjects, PMCs do not need to worry about winning the grace of the locals.[89] When PMCs participate in unwanted incidents that are perceived as wrong by the locals, a negative image is portrayed onto all occupying forces, all of whom are considered one and the same.[90] Such incidents escalate general friction, which harms the overall effort to stabilize places like Iraq.

Incidents which are unpopular with locals have also negatively impacted military effectiveness in the Iraq war.[91] The most notorious of these unwanted incidents is perhaps the Nisour Square Massacre. On September 16, 2007, Blackwater contractors opened fire in the Nisour Square in Baghdad while protecting a U.S. Department convoy. There are various accounts claiming that the contractors opened unprovoked fire that led to the death of 17 civilians.[92] Four former Blackwater contractors were later sentenced to prison sentences in the U.S. in 2014 because of the incident.[93] The sentence was then welcomed as a legal victory setting the standard for how the U.S. court system should hold PMCs accountable for their actions abroad.[94] Still, the Nisour Square Massacre represents one of several cases of PMCs causing civilian casualties which, as mentioned, might aggravate the local population in a conflict.

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[84] Prado, "Impact on Human Rights of Private Military and Security Companies' Activities."
[85] Dunigan, *Victory for hire*, 155.
[86] Clark, *In The Company of Soldiers*, 161-162.
[87] Seymour M. Hersh, "Torture at Abu Ghraib," The New Yorker, May 10, 2004, accessed January 03, 2018, https://www.newyorker.com/magazine/2004/05/10/torture-at-abu-ghraib.
[88] Varin, *Mercenaries and the state*, 195.
[89] Clark, *In The Company of Soldiers*, 161-162.
[90] Ibid.
[91] Varin, *Mercenaries and the state*, 195.
[92] Prado, "Impact on Human Rights of Private Military and Security Companies' Activities."
[93] Matt Apuzzo, "Blackwater Guards Found Guilty in 2007 Iraq Killings," The New York Times, October 22, 2014, accessed January 03, 2018, https://www.nytimes.com/2014/10/23/us/blackwater-verdict.html.
[94] *Ibid.*

Although no blue-on-white incidents occurred during the Nisour Square massacre, the increased general friction that resulted from the undermining of regular forces potentially led to increased uncertainty.[95]

Conclusion

To conclude, PMCs in modern conflict can contribute to blue-on-white incidents and/or increased general friction leading to uncertainty in conflict. This is primarily because of issues regarding coordination, motivation, blurred lines between offence and defence and undermining the legitimacy of regular forces. These dynamics might contribute to the thickness of the fog of war (the level of uncertainty) if they are not addressed with suitable countermeasures, regulations and oversight.

Yet, much like the Rand Corporation found that government-employed personnel in Iraq were "neither a solely negative nor a solely beneficial impact on U.S. operations in the theatre," I would argue that many of the mentioned issues can be addressed and alleviated.[96] The scope of this paper prevents it from exploring the possible positive sides of PMC use at length, but factors such as costs, deployment time and special expertise are among those that might make PMCs useful in some scenarios.[97]

The issue of using PMCs is neither black nor white, but multi-faceted and complex. PMCs might impact the dynamics and levels of uncertainty in conflict in various ways, but it is apparent that there is a need to specifically address the deployment of contractors with measures that alleviate the uncertainty that results from hiring them. As this article has argued, measures may want to focus on improving coordination, changing motivations or addressing the lack of motivation and morale in regular forces to ensure lower turn-over rates. Measures could also be to improve the rules of engagement and clarify both roles and tactics. This could ensure that PMCs and regular forces work together without undermining the work of the other. If these issues are addressed properly, it might make PMCs a useful force multiplier that could conduct tasks that regular forces are either unsuited, unwilling or unable to carry out in future conflicts.

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[95] Prado, "Impact on Human Rights of Private Military and Security Companies' Activities;"
Clark, *In The Company of Soldiers*, 161.
[96] Cotton, Petersohn, Dunigan, Burkhart, Cotugno, O'Connell and Webber, *Hired Guns,* 64.
[97] Scahill, *Blackwater,* 346-347;
Isenberg, "Contractors in War Zones: Not Exactly 'Contracting'."

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