

Armies without Flags: The Evolution of US Private Military Firms

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Abstract :

Governments in recent years have headed towards a new trend which is that of privatizing military affairs and encouraging private firms to conduct what has inherently been governmental. This study examines the phenomenon of American Private Military firms and their unprecedented growth shaped by the dynamism of the private military market. Private military firms are the subject of an investigation in this article through a historical analytical methodology. The sensitive nature of the functions that are undertaken by these private entities did not push officials to provide enough regulatory options and practice more oversight on the booming business. Wars have always been a pre-requisite for the private military business to prosper; war on terror was very productive. Further, the unconventional forces deployed to help stabilizing regions of conflicts are now committing acts that are condemned by the UN Charter.

Key words: Private; Military; Firms; War on Terror

الملخص:

تحولت الحكومات في السنوات القليلة الماضية إلى توجه جديد، ألا وهو خصخصة الشؤون العسكرية وتشجيع الشركات الخاصة على أن تمارس أعمالاً لطالما اقتصت وتميزت بها الحكومات حصراً. يدرس هذا البحث ظاهرة الشركات العسكرية الأمريكية الخاصة ونموها الذي يتسم بديناميكية كبيرة، هذه الشركات هي موضوع تحقيق في هذا المقال من خلال منهجية تحليلية تاريخية. إن الطبيعة الحساسة للوظائف التي تؤديها هذه الكيانات الخاصة لم تحث السياسيين على توفير خيارات تنظيمية كافية وممارسة المزيد من الرقابة على الأنشطة المتنامية. لطالما كانت الحروب شرطاً أساسياً لازدهار الصناعة العسكرية الخاصة، هجمات سبتمبر وما اصطلح على تسميتها " حرباً على الإرهاب " كانا مثمريين للغاية. بالإضافة إلى كل ما سبق، فإن القوات غير التقليدية التي تم نشرها للمساعدة في استقرار مناطق الصراعات، ترتكب الآن أعمالاً أداها ميثاق الأمم المتحدة.

الكلمات المفتاحية: الشركات، العسكرية، الخاصة، الحرب على الإرهاب.

Résumé :

Récemment, les gouvernements se sont orientés vers une nouvelle tendance qui consiste à privatiser les affaires militaires et à encourager les sociétés privées à mener ce qui a été intrinsèquement gouvernemental. Cette étude examine le phénomène des sociétés militaires privées américaines et leur croissance marquée par le dynamisme du marché militaire privé. Les entreprises militaires privées font l'objet d'une enquête dans cet article à travers une méthodologie analytique historique. La nature délicate des fonctions exercées par ces entités privées n'a pas poussé les politiciens à fournir suffisamment d'options réglementaires et à exercer davantage de surveillance sur les activités en plein essor. Les guerres ont toujours été une condition préalable à la prospérité de l'industrie militaire privée; la guerre contre le terrorisme était très productive. En outre, les forces non conventionnelles déployées pour aider à stabiliser les régions de conflits commettent maintenant des actes qui sont condamnés par la Charte des Nations Unies.

Mots-clés: Sociétés; Militaires; Privés; Guerre contre le Terrorisme .

Introduction

Since 9/11, the US government has privatized military affairs and contracted private military firms to undertake what was inherently governmental. This new trend poses challenges to both security and economy, the issue of liability under the law is one of the strongest controversies. Members of private firms are contracted to fulfill duties of the armed forces. They are armed civilians: the blur in their status opened doors for many atrocities to be perpetrated without being held accountable. They are armed, but they do not comply with army laws and regulations. They are not civilians either, because they are armed and authorized to use deadly force in some cases. Over the last fifteen years, things that governments used to do are now undertaken by private contractors, a wide range of functions are contracted to them.

Providing a precise definition to this phenomenon is something of a great importance. The definition should go beyond the descriptive meaning of the term because of the nature of these controversial firms and the kind of functions they are actually undertaking. 9/11 was a transformative event and a turning point in global history. The Al-Qaeda attacks on the Twin Towers announced a new era of military

interventionism called war on terror. The burial of many Americans under the dust is something new in scale and character. It had devastating ramifications beyond the thoughts of the Americans.

The War on Terror was important for the private military business to prosper, it was the most privatized of all wars humanity has witnessed. A wide range of functions is outsourced to private military firms, such as convoy escort, personal detail security, and the guarding of personnel, facilities, and properties. They can also provide unarmed security services such as operational coordination, intelligence analysis, hostage negotiations, and security training.

Peter Warren Singer, author of *Corporate Warriors: The Rise of the Privatized Military Industry* has set two major reasons for which the private military market becomes very dynamic; the first reason lies within the transformation in the nature of war, in other words why war is conducted? This has created new demands which needed to be fulfilled by the adequate supplies. The second reason is the privatization revolution which he has called a change in mentality and a change in political thinking. The new economic trend asserts that the job is better done by the private sector even when linked to military issues. An important question is raised, how would such attacks on the WTC invoke the world's most extravagant wave of contracting governmental functions to the private profit driven companies?

The privatization of the mastery of violence was fueled by war enthusiasm. Army Secretary Thomas E. White introduced his "Third Wave" plan to the Pentagon, a plan which according to David Isenberg had three major reasons for its implementation. First, to free up military manpower and resources for the global war on terror; second, to obtain non-core products and services from the private sector to enable army leaders to focus on the Army's core competencies; and third, to support the President's Management Agenda. In April 2003, the "Third Wave" initiative temporarily came to a standstill after Secretary White's resignation. In a benefit and cost dualism the private military business boomed. Their use in this war is certainly unprecedented in both size and scope.

1- Privateers throughout the American History

Historically, privateers were used in the American War for Independence to capture or destroy 600 British ships. The newly born republic continued relying on privateers during the War of 1812, employing them to capture 1,300 ships (Smith 106). During the American Revolution, the British government hired some thirty thousand mercenaries from the German state of Hesse-kassel to help repress the colonists' uprising. Indeed, George Washington's 1776 defeat of the Hessian units was a key victory in the march to independence (Cooper 577). Privateers were not only involved in land warfare, they had a legal standing in international law on high seas and were widely used by nations through the 1800s to bolster their maritime forces. They were defined as "vessels belonging to private owners, and sailing under a commission of war empowering the person to whom it is granted to carry out all forms of hostility which are permissible at sea by the usages of war" (Gulam 16). The American Revolutionary War, the Mexican-American War, and the Civil War, all of them witnessed a considerable reliance on the privateers of that time.

During the Industrial Revolution, profit-driven military providers' activities declined. Certainly, armies growing size and their deployment in battle fields with all their necessary supplies were still a problem. The valuable inventions the industrial revolution brought to humanity solved many tragedies since the latter inspired creativity not only in the field of military industries but in all other fields as well. Christopher Kinsey, a lecturer in the Defense Studies Department, King's College London, examines the impact of the industrial revolution on the military providers' business and says:

Steamships and railroad were able to carry men, weapons, and supplies huge distances

on an unprecedented scale. Now a European country was able to deliver the male

population of fighting age to the battlefield, and keep it supplied there. As a result

countries started to count their soldiers by the million. No wonder then that the use of mercenary armies in war became irrelevant. States no longer needed the additional services of such groups of men, who in all probability would anyway be drawn into war as citizen soldiers. (42)

Citizen armies took over the privateers during the twentieth century. At the same time, state bureaucracies had developed to a degree where it was possible to recruit, train, pay, and maintain a full-time force (Smith 107). Michael Howard in his *War in European History* explains the change in militaries towards modernity and mentions the regulations organizing them and gives the following example:

The army to contemporary eyes must have looked remarkably archaic but to ours appears no less remarkably modern, Gustavus turned it into an effective long-serving force. Service lasted for twenty years but only one man in ten was called on to serve and the rest were taxed to provide his equipment. So in practice the army [Swedish] was a force composed of long-serving regular troops. Local communities were made responsible for finding their quota of men, but exemptions from service were granted-to only sons of widows, to men with brothers already serving, to workers in mines and munitions industries, to the nobility (who served as officers anyway), and the priesthood. (58)

General Martin E. Dempsey, the US Army's 37th Chief of Staff who assumed duty on 11 April 2011 describes in a US army white paper the military services as "well respected and are highly rated in

every poll of public trust”, he arguably assures that “we [US military services] can be justifiably proud of how well the Army and our soldiers are shouldering the heavy burdens they have borne over the past nine years”. Professions use inspirational, intrinsic factors like the life-long pursuit of expert knowledge, the privilege and honor of service, camaraderie, and the status of membership in an ancient, honorable, and revered occupation (2). The four-star general gives a good description of the military compared to other professions where workers are motivated through extrinsic factors such as salary, benefits, and promotions.

Major Mark E. Hubbs, a retired US Army Reserve and writer of “Massacre on Wake Island”, was a witness of a massacre that took place a short time after the US entry into World War II, where more than 1150 private contractors were captured by the Japanese in Wake Island, a tiny island in the North Pacific annexed to the United States. On that island served about 1603 Americans among them were 453 US Marine forces, the others were civilian contractors of the Morrison-Knudsen Corporation, part of a cooperative of eight construction firms called the Contractors Pacific Naval Air Bases headquartered in Boise. All of those captured became prisoners of war (POWs). The Japanese executed 98 remaining employees in 1943 disregarding their legal status as civilians according to Hubbs.

Among the 16 million Americans who served in the United States military, few of them were paramilitary civilians who served under some units such as the WASP (Women Air force Service Pilots), gained their militarization from Congress in 1977 (Texas Women’s University). Franklin Roosevelt hired a Volunteer Group of fighter pilots (AVG) who were recruited under Presidential sanction and commanded by Claire Lee Chennault. The group members whose mission at first place was defending China against Japan were paid 500 dollars for each Japanese plane shot down (Raffin).

The two belligerents of the Cold War era squared off and developed an unbelievable number of paramilitary civilian units in order to face the potential threat of the other camp, the need for these

units was shrank by the end of the world's most dangerous convulsion. Consequently, the United States which became the only superpower on the global arena started downsizing its extravagant military expertise because the American policymakers felt no longer the communist threat. The aftermath of the Cold War gave the United States the moral obligation of intervening in spots of conflicts in order to enforce some principles which it considers unquestionable for the promotion of liberty all over the world, at least these were the official declared paramount objectives.

Another reason for the unprecedented dependency on private military firms is that most governments faced hard economic times, among the solutions there had to be a downsizing of their militaries. On the one hand going through another world convulsion like the Cold War was unlikely and the downsizing process was inevitable. On the other hand diminishing the size of the nation's army was too risky and the governments had to rely on a new form of military expertise which is that of private contractors. Regional conflicts, however, increased and became the United Nations main concern; developing fragile states were the appropriate theater for the resurgence of private military providers, thus private military firms have become key factors in contemporary security.

Noam Chomsky in his *Profit over People: Neoliberalism and Global Order* labeled the defining political economic paradigm of our time as 'Neoliberalism' and writes: "...It refers to the policies and processes whereby a relative handful of private interests are permitted to control as much as possible of social life in order to maximize their personal profit" (7). Post-Cold War era was a new era of privatization declared by Ronald Reagan and Margaret Thatcher. The ideology which is linked to economic theory saw that the private corporations could be more effective in delivering services than the public sector because of the so-called free market competition. The great powers' non-interventionist attitude made it hard for the UN to deploy competent peacekeeping or peace enforcement forces to countries or regions of conflict. Consequently the demand for protection was not

met by traditional state armies; it had been effectively exploited by private military firms (Spear11). The downsizing of the overall military strength kept shrinking.

In his “The Use of Private Military Firms in the Military Occupation of Iraq: A New Shared Monopoly of the Use of Force”, Paul Bellamy, author and civilian peacekeeper in a UN Peace Mission in Central African Republic gives some important statistics about the size of many militaries across the globe:

In the US, the overall military has shrunk from 2.1 million in 1989 to 1.4 million today,

and the US Army from 111 combat brigades to 63, The US National Guard and Reserve

from 1.8 million in 1989 to 876,000 today. The Soviet Union/Russian Federation has

gone from an army of 5,227,000 in 1987 to 977,000 in 2001. NATO countries did so,

that resulted to the UK now has an army that is at its lowest since the Napoleonic wars.

France went from a 1987 high of 547,000 to 295,000 now, Germany from 469,000 in

1990 to 284,000, Italy from 389,600 to 200,000, Spain from 274,500 to 160,000, and

Turkey from 647,400 to 515,000. (17)

The United Nations started relying on private military firms in some of its peacekeeping operations during the 1990s because of their effectiveness and unsatisfactory performance of UN troops in peacekeeping operations notably in Sub-Saharan Africa such as the Democratic Republic of Congo, a country with the highest cases of rape against women although it boasts the largest peace operations in the world (Ovie). This period witnessed the most extensive UN peacekeeping operations ever because the atmosphere was that of regional conflicts and genocides in Africa, Eastern Europe, Latin America, and Asia. As the great powers had reduced the size of their armies, undertaking peace enforcement efforts was a very hard task to perform for the UN peacekeeping forces which were affected by the

troops downsizing of the Security Council's influential members such as the US and Russia.

2- US post 9/11 Private Military Industry: A Booming Business

Jeremy Scahill, writer of *Black Water: The Rise of the World's most Powerful Mercenary Army*, described the world on September 10, 2001, as a "very different place". The attacks on the (WTC) twin towers announced a new era of military interventionism called War on Terror. Noam Chomsky in *Nine-eleven* dissects the main causes led to the 9/11 attacks and says: "The horrifying atrocities of September 11 are something quite new in world affairs, not in their scale and character, but in the target. For the United States, this is the first time since the War of 1812, that the national territory has been under attack, or even threatened" (11). The event has marked the extension of the American power beyond the limits of any legitimate national emergency response. Chomsky exposes the devastating outcomes the War on terror would have on the Israeli-Palestinian negotiations.

Wars were vital prerequisites for the prosperity of the private military industry. Along the war on terror bloody ten years the US administration of George W. Bush did everything to maintain what John K. Cooley, writer of *Unholy Wars: Afghanistan, America and International Terrorism* called the shaky coalition against terrorism. With a wealth of evidence, Cooley uncovers the American flirtation with Islamism and its impact on the unprecedented global war against terror following the murderous attacks of September 11, 2001. Nowadays private military firms represent the final product of an evolutionary process since ages. The critical factor is their modern analytical form; they are hierarchically organized into incorporated and registered businesses working on a global open market and recruiting proficient members and providing its great variety of clients with a wide range of services (Singer 191). The private industry is there to make profit. Consequently, it should be tied to all types of laws and regulations that govern and oversee its business.

The private military industry was fueled by the same enthusiasm that helped deregulate electricity, airline, and telephone-service industries in America. In 2000, George W. Bush was the Republican candidate for the presidential election and he promised to give the opportunity for private firms to compete with government workers for 450,000 jobs. One year later, the workforce contracted with the Pentagon exceeded civilian defense department employees for the first time. According to Isenberg the use of private contractors seemed efficient for the military - a group of temporary, highly trained experts - would cost less than a permanent standing army that drained resources, from pension plans to health insurance.

The year of 2002 witnessed a strong will by the military to rely on the private sector. The then-Army Secretary Thomas E. White introduced his "Third Wave" plan to the Pentagon. This wave of outsourcing sensitive military functions to the private sector, was the biggest ever, the war on terror has made the market very lucrative for private contractors. The private military market in this particular era was very dynamic even governments could not intervene to regulate what should normally be under the Checks and Balances system.

In April 2003, the "Third Wave" initiative temporarily came to a standstill after Secretary White's resignation. The two-year tenure was marked by convulsions with the Defense Secretary Donald H. Rumsfeld. White warned the Department of Defense undersecretaries for contracting army functions to the private sector for that the army lacked the basic information required to effectively control it. In 2004, White's warning against private military firms was proved to be true. The Army told Congress that it had between 124,000 and 605,000 service contract workers, knowing that its best guess of the size of its own contracted workers was so imprecise; the pentagon was pressed to estimate and provide numbers for the legislative body about the contract employees in Iraq (Isenberg 20). In 2004, over 20,000 civilian contractors support Coalition forces in Iraq, this number was expected to increase after the handover of power to the Iraqis according to Secretary of Defense Donald Rumsfeld in a letter to the

House Armed Services Committee (Keefe). The private military business boomed in an unprecedented way.

Those who defend the idea of contracting inherently governmental functions to the private sector argue that the latter is more cost-effective than the public sector. Singer, for instance, believes that the understanding of the industry is limited “theoretically, conceptually, and even geographically” and that most of the writings on private military firms focus on individual case studies and is confined to specific regions. Respecting the market private military industry does not hide the motives which lead to believe that outsourcing increases the cost of military services. Two major reasons are behind this as Isenberg argues. First, the market needs to be transparent and competitive so that clients can pick and choose among different offers. Second, totally transparent bidding procedures should take place before granting any contract. Offers which compete with each other must be systematically compared and the performance of contractors on the contract terms has to be closely controlled and being subject to all kinds of sanctions.

Most Americans believe that the second-biggest military ally to the war in Iraq is Great Britain. On the grounds private contractors hold that distinction, they became an unregulated and unpoliced shadow army which operates beyond the reach of the law (Keefe). Private military firms outnumber the UK military by a factor of ten, the idea of expelling those troops means that the coalition forces are obliged to find a way to fill the voids of 100.000 private contractors. This suggests that the use of private military providers is a smarter and a more cost-effective choice in many situations. Waging a Global War on Terror means that, the US should be prepared to deliver local solutions to local problems on a global scale. The lack of troops with regional expertise and the cost of maintaining troops in all spots worldwide is another reason. Private contractors provide the opportunity for the US to have mission-tailored troops known by their rapidity and cost-effectiveness (Lochbaum). In this case, even the counting would be very easy for governments. The US can declare

only the actual number of military troops and not that of private contractors. Even in the case of a future full withdrawal from Iraq, for instance, the US would be still in charge of military tasks thanks to the huge number of contractors deployed there.

Conclusion :

Private military firms became influential actors in different conflict zones almost all over the world, during the last fifteen years private military firms became a familiar picture in Iraq's and Afghanistan's landscape. When great powers felt the need for non-conventional forces to be deployed in spots of conflicts they heavily relied on private contractors to undertake the most sensitive functions that were the field of state militaries. The debate centered on the most efficient regulatory modes that could be applicable to this unusual type of industry. It set the platform for the interpretation and analysis of the normative trends to dissect the phenomenon. Regulations have been based on the assumption that the mastery of violence is the states' privilege and that it would never be granted to private entities. In the outsourcing process, what is clear is the changing nature of these private entities that asserts the potential for failure.

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