

Can Private Military Companies replace Special Operational Forces?

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Abstract:

This paper examines the emergence of Private Military Companies and their growing relationship with Special Operations Forces in the wake of the cessation of the Cold War and the escalation of terrorism worldwide. This paper draws the conclusion that Private Military Companies will eventually replace Special Operations Forces, first through working with Special Operations Forces, then supplying part of the Special Operations Forces mandate, and finally, providing the majority of the Special Operations Forces core missions to the government simply because the Private Military Companies will have the ongoing and enduring skills, knowledge, and techniques that are essential to Special Operations Forces.

Introduction

By comparing the 1986 Special Forces Act, Department of Defense Authorization Act, we can see the privatization of a wide range of military operations that were once traditionally carried out by Special Operations Forces (S.O.F.). This comparison raises the question: Can private military companies eventually replace Special Operations Forces? This paper will examine the emergence, development and relationship between Private Military Corporations (PMC) and Special Operations Forces (SOF). I will argue that it is foreseeable that PMCs will eventually replace SOF, first through working with SOF, then supplying part of the SOF mandate, and finally, providing the majority of the SOF to the government simply because the PMCs will have the ongoing and enduring skills, knowledge, and techniques that are essential to SOF. By comparing the United States 1986 one can see how PMC have fulfilled what were initially SOF roles. These nine categories give us the foundation of how SOF defines itself and its role within armed conflict and demonstrates how PMCs are actively involved in these ex-core missions.

Section 1: Categories of Private Military Companies

Private Military Corporations also known as Privatized Military Firms, or Private Military Contractors. They are companies that provide logistics and combat services to the military. Within these contractors there are three types of private military corporations: mercenary firms, private military firms and private security firms.¹ There are also overarching corporations that perform tasks of both private military firms and private security firms. Mercenary firms are individuals or associations that sell their military expertise independently without any affiliation to their country.² Private military organizations focus on providing military training, equipment and intelligence³ as well as Private security companies provide security installations and personnel as well as logistical, technical support and transportation.⁴ This paper will focus on the private military companies (corporations or firms) as the type of PMC under discussion.

Section 2: Brief History of PMCs

Private military companies may seem to be a new phenomenon but in reality, they can be dated back to 1300 when private armies were essential because of the feudal system and the system of military service in place at the time. The feudal system required many people for its maintenance and this limited the feudal kings and princes in raising large military forces so they were forced to hire private armies.⁵ Then known as Free (or Great) Companies, they originated in Italy and flourished in Europe until the 1800s.⁶ Free Companies can be viewed as early examples of privatization of the military as they sold their services to the highest bidder.⁷ The relationship between PMCs and the sovereign was never an easy one, as a hired army does not necessarily have a great deal of loyalty.⁸

Feeling threatened, sovereign states began to integrate individual mercenaries into their own armies or hire the services of a friendly national army. A good 18th century example of the latter occurred during the American Revolution where the British Army used Hessians to fight in the Revolution⁹

During the 17th century, companies such as the Dutch East India Company, Dutch West India Company, and the English East India Company flourished. They were economic giants with their own empires as they were given a full range of foreign sovereign powers. They could hold a monopoly on trade with a given region, they could raise an army or a navy, build forts, make treaties, make war, govern their fellow nationals, and coin their own money. Governors "remained the appointees of the companies, as did the military officers, even when they were officially invested with their offices by their governments headed the companies' outposts".¹⁰

Thomson notes that in the 17th century, mercantile companies had immense power. "Though the companies successfully spearheaded European imperialism in Asia, Africa, and America, they sometimes confronted state rulers with complex dilemmas. Armed with sovereign powers as they were, mercantile companies proceeded to exercise violence not only against "non-Christian" peoples, but against each other, against European states, and even against their home states."¹¹ To define what a state is for purposes of this paper, states mean political entities whether they are nations or not. They could refer to ethnic or people groups within a country. A nation-state is defined as a state with territory that is delineated as a specific country (or nation).¹²

The home states faced the dilemma of having these companies assist them in their quest to conquer the world, or at least in expanding their empires while having an uneasy relationship with the larger mercantile companies. Many of these companies would continue to fight each when their parent countries were at peace or create alliances when their parent countries were at war. The increasing independence of these companies added to the sovereign's realization of just how powerful private military companies could be.

As the New World was explored and the industrial revolution brought an end to the feudal system, use of free companies declined. For one thing, there were more citizens available for military service as the feudal system's decline freed more men from working out their lives on their feudal heritage. The state was more than willing to withdraw from dealings with PMCs, given the impending danger of a coup at any time. Rather, governments turned inward built a military structure to recruit, train, pay, and maintain national full-time forces. In time, it became illegal for a private citizen to raise a private army.

Section 3: Defining Special Operations Forces

SOF organizations are "elite units". Eliot Cohen developed specific criteria that defined elite units.

First, a unit becomes elite when it is perpetually assigned special or unusual missions: in particular, missions that are – or seem to be – extremely hazardous. For this reason airborne units have long been

considered elite since parachuting is a particularly dangerous way of going into battle. Secondly, elite units conduct missions that require only a few men who must meet high standards of training and physical toughness, particularly the latter. Thirdly, an elite unit becomes elite only when it achieves a reputation – justified or not – for bravura and success.¹³

The SOF discussed in this paper are those that are based on selection and designation of a specific mission. The selection process is rigorous and demands extremely high standards of mental and physical ability as well as professional experience and skill levels, maturity, and motivation. The SOF have a reputation for excellence because of the background in terms of training, expertise and professionalism of the members of the SOF.¹⁴

In its purest form elites represent the choice or most carefully selected part of a group. Sociologists and Political Scientists have tended to define elites as a cohesive minority in any given group or society that holds the power of decision-making. They further assert that elites protect “their exclusiveness with rigorous entrance standards. Elites are extremely homogeneous and self-perpetuating”.¹⁵ The United States Special Operations Forces, typically referred to as U.S. Special Forces, acts as the official category for the U.S. Department of Defense (DoD) military units with specialized training in unconventional warfare and special operations. Special operations forces are “one of the nation’s key penetration and strike forces, able to respond to specialized contingencies across the conflict spectrum with stealth, speed, and precision.”¹⁶ This is only part of their mandate. They also act as warrior-diplomats “capable of influencing, advising, training, and conducting operations with foreign forces, officials, and populations.”¹⁷ This is where PMCs would be able to replace S.O.F.. SOF balances itself between these two roles in which each of the following special operations core missions:

- Counterproliferation. SOF provide the DoD with a ground force option short of a major theater war scenario to seize, recover, disable, render ineffective, or destroy weapons of mass destruction and associated technology. SOF skills may also be used to support diplomatic, arms control, and export control efforts.
- Combating Terrorism. SOF provide the DoD offensive (counterterrorism) and defensive (antiterrorism) capabilities and programs to detect, deter, and respond to all forms of terrorism.
- Foreign Internal Defense. Organize, train, advise, and assist legitimate host nation military and paramilitary forces to enable these forces to free and protect their societies from subversion, lawlessness, and insurgency.
- Special Reconnaissance. Conduct reconnaissance and surveillance actions to obtain or verify information concerning the capabilities, intentions, and activities of an actual or potential enemy or to secure data concerning characteristics of a particular area.

- **Direct Action.** Conduct short-duration strikes and other small-scale offensive actions to seize, destroy, capture, recover, or inflict damage on designated personnel or materiel.
- **Psychological Operations.** Induce or reinforce foreign attitudes and behavior favorable to the U.S. or friendly nation objectives by planning and conducting operations to convey information to foreign audiences to influence their emotions, motives, objective reasoning, and ultimately the behavior of foreign governments, organizations, groups, and individuals.
- **Civil Affairs.** Facilitate commanders in establishing, maintaining, or influencing relations between military forces and civil authorities, both governmental and nongovernmental, and the civilian population in a friendly, neutral, or hostile area of operations.
- **Unconventional Warfare.** Organize, train, equip, advise, and assist indigenous and surrogate forces in military and paramilitary operations, normally of long duration.
- **Information Operations.** Achieve information superiority by affecting adversary information, information-based processes, information systems, and computer-based networks while defending one's own information systems.¹⁸

Section 5: The Re-emergence of PMCs and the Changing Character of Conflict

Peter Singer and John Olin ask, what do these actors have in common?

A failing government trying to prevent the imminent capture of its capital, a regional power planning for war, a ragtag militia looking to reverse its battlefield losses, a peacekeeping force seeking deployment support, a weak ally attempting to escape its patron's dictates, a multinational corporation hoping to end constant rebel attacks against its facilities, a drug cartel pursuing high-technology military capabilities, a humanitarian aid group requiring protection within conflict zones, and the world's sole remaining superpower searching for ways to limit its military costs and risks."¹⁹

Their "size, relative power, location in the international system, level of wealth, number and type of adversaries, organizational makeup, ideology, legitimacy, objectives" differ. What they do have in common is this: when these actors ran into security needs, each one of them sought external military support from the global marketplace.²⁰

External military support is just another name for private military corporations, which are emerging in the world theatre of war and peace operations. PMCs are becoming a big business in the aftermath of the end of the Cold War. The Center for Public Integrity reported that since 1994, "the U.S. Defense Department has entered into 3,061 contracts with 12 U.S.-based private military companies identified by ICIJ, a review of government documents showed." These contracts were worth \$300 billion.²¹

For much of the 20th century, military leaders have been in a stance of vigilance as the Cold War's superpowers squared off, promising a fight if necessary. When the Cold War ended, there was a great deal of military expertise that was no longer needed. Without attention focused on the superpower rivalry, regional military conflicts increased. At the same time, governments were facing hard economic times. There is a global trend toward military downsizing. The reasons range from financial to belief that

the outbreak of large-scale interstate wars are unlikely in the future. The sudden demise of the Cold War clearly an interstate configuration has reinforced this trend and provoked a widespread downsizing of military postures. The end of modern interstate wars has not only resulted in military downsizing, but also in the development of forms of military proliferation beyond the geographical area of the battlefield."²²

As this downsizing began to take place, conflicts in developing nations grew and PMCs began to emerge. Basically, the services of trained military personnel continued to be required even after military downsizing. Out of this void and with all this expertise readily available, it was inevitable that private military corporations would re-emerge. Changing with the times, the PMCs of the 21st century are an amalgamation of the early PMCs. It is comprised partially of the armed troops of the early PMCs who hired themselves out as fighting machines and partially of a corporation not unlike the Dutch West Indies Company with powers nearly as immense as those of the early mercantile companies.

The use of private military companies (PMC)--based mainly in the U.S., England, and South Africa--has proliferated in the post-cold war era. Today these companies provide a wide array of security functions ranging from military advice and training to operational support to security protection, logistics support, policing, drug

interdiction, intelligence, and more. The U.S. and other governments, the United Nations and other international organizations, NGOs, irregular armies, and private companies that operate in the world's hot spots have all purchased these services.²³

The PMCs that emerged must not be confused with the traditional mercenary groups that have often been blamed for atrocities and violations of human rights. For one thing, the new PMCs are often affiliated with non-military corporate firms to whom bad publicity would mean possible collapse of their infrastructure. Over the past decade, a number of American corporations were revamped as private military companies.

It is difficult to anticipate the effect of downsizing a country's military and it was inevitable that the lack of a strong military would have a large impact. With the military expertise freed from national military duties, and the countries feeling the threat they were under without adequate military resources, it was inevitable that hiring PMCs would be the logical action.²⁴ With diminished military resources and the loss of a great deal of experienced military personnel, private military companies now perform many of the functions traditionally performed by the military.²⁵

The implication of the privatization of warfare does raise some concerns. This is particularly true because of the unknown nature of the private military business and those who are not familiar with the history of armies for hire tend to view PMCs as mercenaries, for sale to the highest bidder. PMCs are not traditional mercenaries, which are merely ad hoc groups or individuals who have military skills that are used in immediate combat support. A private military firm acts more like a corporate structure because it is a corporate structure that is organized like a business and advertises its services. Personnel are employed within a defined structure. Such a structure has established terms and conditions, and work with a degree of organization and accountability to the company. The company, in turn, is answerable to its client, often under a legally binding contract.²⁶ Their employees and other organizations can also prosecute the company for any violation of laws, discrimination practices and other civil decrees.

Section 6: The Link between PMCs and SOF

This section will demonstrate that although there are a number of PMCs and different styles of PMCs, there can also be a selected group that could replace or support SOF within their mandate. William S. Cohen refers to the revolution in military affairs, noting that

The process of transformation begins with the defense strategy itself, which is built on an appreciation of the highly dynamic nature of the projected security environment and the challenges this environment poses for the United States. The

process continues with an evaluation of the military missions and tasks that are needed to carry out that strategy. Some of these missions are enduring—such as protecting U.S. forces at home and abroad, in peacetime, crisis, and war—while others will emerge as the security environment evolves.²⁷

Cohen notes that there are also missions in place that need to be continually reassessed and refined. He cites as a prime example the need for the DoD to concentrate on "the tasks needed to rapidly halt an enemy's initial attack in a major theatre war."²⁸ William S. Cohen specifically mentions Special Operations Forces as being part of the new battlefield operational concept where they can operate as "observer teams, which transmit near real-time data to intelligence centers, command and control elements, and weapons delivery platforms through satellite communications and airborne relays."²⁹ These SOF act as part of the Rapid Targeting System which includes intelligence, surveillance, and reconnaissance systems, and allows the military unit to find targets, plan attacks on those targets, engage and destroy the targets, assess the effectiveness of attacks, and report these results to key command elements.³⁰

Private Military Corporations are often hired to partake in these capabilities relieving the stress placed on SOF forces to fulfill these commitments. For example, the Afghan National Army was not trained completely by the United States army. The Green Berets and other elite U. S. troops were needed elsewhere and instead, the Defense Department drew up plans to use its SOF to jump-start the training of the Afghan force, then hired private military contractors to finish the job.

I think we'll start off with our own guys because the Afghans are more comfortable at this point with people in uniform who they know," said a senior defense official familiar with the plan. "But at some point down the pike, we will move to contractors. We have to. We don't have the people to do it all ourselves."³¹

As the United States pushed its antiterrorism campaign beyond the borders of Afghanistan, the role of private military corporations continued to grow along with it.

These private military corporations often hire former SOF members to partake in their contracts. According to the media a former SOF member can make up to \$1500 a day in Baghdad and other high risk areas of the world.³² Many S.O.F organizations are actually losing men to PMCs. In fact, elite forces could be facing an imminent crisis because of record numbers of men are asking for volunteer leave early because they are lured by the high wages offered by the growing defense industry.

Defence and special forces sources have told *The Scotsman* that such is the demand from private military companies in Britain and the United States who are operating in Iraq for former Special Air Service and Special Boat Service soldiers that, between May 2003

and December 2004, between 40 and 60 men are expected to have sought premature voluntary release, or PVR, from the army and Royal Marines.³³

A loss of men, which have had years of elite training, decreases the effectiveness of the S.O.F organizations capability. Which can theoretically lead to the eventual disbandment of government run S.O.F organizations.

On the other hand, there have already been examples of cooperation between PMCs and SOF. In 1996, Executive Outcomes trained and supported Indonesian Special Forces in hostage rescue operations in West Papua. Just as the cessation of the Cold War led to the emergence of the new corporately styled PMCs, the new threat of terrorism is calling for the emergence of more SOF to such a degree that the only way to continue to meet the demand is to outsource to PMCs which can answer to the demand of worldwide demand for SOF capabilities. Since many of the PMCs were started by, or at least include, SOF commanders, finding and building expertise in the areas that could replace or relieve Special Operations Forces should be relatively easy.

Indeed, the revolution in military affairs is already underway and the corporatization of SOF may be underway as well. The Pentagon is working on developing a covert counter-terror capability and has been since the 1979 Iran hostage crisis. The army has "a highly compartmentalized organization that could collect clandestine intelligence independent of the rest of the US intelligence community, and follow through with covert military action."³⁴ In a move that would call for an increase in the use of Special Operations Forces, the Defense Science Board (DSB) conducted a 2002 "Summer Study on Special Operations and Joint Forces in Support of Countering Terrorism"

...recommends the creation of a super-Intelligence Support Activity, an organization it dubs the Proactive, Preemptive Operations Group (P2OG), to bring together CIA and military covert action, information warfare, intelligence and cover and deception. For example, the Pentagon and CIA would work together to increase human intelligence (HUMINT) forward/operational presence and to deploy new clandestine technical capabilities.³⁵

The same reasons for the increase in PMCs are also applicable here. PMCs have to be called into play to either provide the numbers of SOF that will be needed or to supplement or educate with cutting edge knowledge and techniques the DoD's SOF. Private Military Corporations have been increasingly contracted out by government agencies to supply this role. One of the many examples is the CIA sponsored Private Military Company to monitor drug plane traffic in Peru.

Section 7: PMCs Supporting Roles for Special Forces

The link to S.O.F and PMCs can be further explored by looking at the nine SOF ex-core missions. It is possible to see where PMCs can fit in with SOF, either in providing their own elite groups or working with the military's elite SOF. In fact, PMCs are already involved in many of these types of missions. There are two other activities of SOF defined by the United States, Department of Defense Authorization Act, 1986. They are Humanitarian Assistance and Theater Search and Rescue. In both these cases, the alliance between PMCs and SOF would be beneficial. An alliance that could either relieve or ceded S.O.F demand.

Counterproliferation

In the case of the United States the Defense Threat Reduction Agency (DTRA) was created on October 1, 1998 as part of the Defense Reform Initiative of the DoD. Its mandate is to coordinate DoD counterproliferation elements "into a single focal point, creating synergy between the programs and providing one-stop shopping for information."³⁶ DTRA involves several DoD entities that focus on "arms control verification, acquisition and development of counterproliferation technology, and implementation of the Cooperative Threat Reduction program."³⁷ This counterproliferation effort involves military and civil service personnel as well as government experts from other agencies, industry and academia. As early as 1999, this counterproliferation effort involved private advisors and private military contractors.³⁸

The clearest way to example the role that these contractors take on in counterproliferation is to examine the disposing of Iraq munitions and weapons. On September the 14th, one American private military contractor was killed and two were wounded by a terrorist attack that Tuesday morning, north of Baghdad. These three men were employees of EOD Technology, Inc. and were working in Iraq under contract to provide project specific security to the Project and Contracting Office (PCO), formerly the Coalition Provisional Authority.³⁹ In March, United States Army Corps of Engineers awarded a contract worth \$3.45 million to help clear ordnance and explosives from Iraq. Under a pre-existing contract, EODT has also received tasks orders worth at least \$66,947,670.95 for the disposing of Iraq munitions.⁴⁰

Combating Terrorism

Similar to counterproliferation, combating terrorism also makes use of PMCs to augment SOF involvement. It has been estimated that the United States spends at least 30 cents on the dollar for PMCs in the fight against terrorism.⁴¹ The United States current War on Terrorism has provided according to D. B. Des Roches, spokesman for the Pentagon's Defense Security Cooperation Agency, an active source of employment for PMCs.⁴²

"Contractors are indispensable," said John J. Hamre, deputy secretary of defense in the Clinton administration. "Will there be

more in the future? Yes, and they are not just running the soup kitchens."

From cleaners to providing protection to valuable public works, Private Military Corporations are filling an important necessitate for the war on terrorism. The United States department of defense issued two contracts worth \$2,608,794.74 for MPRI to devise a plan to put ex-soldiers to work on public works programs.⁴³ Military Professional Resources Incorporated (MPRI) is corporately structured "with a Board of Directors, President, Chief Financial Officer, corporate staff, three operating groups, and a full time staff of 800...MPRI provides an extensive array of services, including training and education, simulation and war gaming support, equipment fielding support, democracy-transition assistance, peacekeeping and humanitarian aid, anti-terrorism, force protection, consequence management, and non-military services."⁴⁴

Foreign Internal Defense

Foreign internal defense involves interdepartmental and interagency efforts to help a foreign government forestall or defeat insurgency, lawlessness, or subversion. Operations seek to strengthen host nation political, economic, social, and national security institutions. SOF primarily trains, advises, and otherwise assists local military and paramilitary forces that perform such functions. Training and advising are among the primary functions of the typical PMC. Esther Schrader article in the Los Angeles times states that

Since Sept. 11 and the Pentagon's launch of the war on terrorism, the stock prices of the publicly traded contractors have soared. Already, trainers from private military companies are in the former Soviet republic of Georgia, where Al Qaeda operatives are believed to be hiding. Executives of several private military companies have met with Pentagon officials about training other armies in Central Asia.⁴⁵

Computer Sciences Corp formerly known as DynCorp received a \$50,000,000 contract to provide law enforcement support capabilities in Iraq for the first year of the war.⁴⁶ President Bush's request for new funding for a training facility for the Iraq police force significantly increased Computer Sciences Corp contract.⁴⁷ Computer Sciences Corp is not the only PMC that has received funding to perform formerly SOF capabilities. Vinnell Corporation took on a \$48,074,442 one-year contract to train the New Iraq Army.⁴⁸

Special Reconnaissance

Carrying out reconnaissance and surveillance actions that results in either gathering or verifying information regarding the capabilities, intentions, and activities of an enemy is part of the core mission for SOF. However, PMCs have already been engaged in special reconnaissance missions such as DynCorp's aerial reconnaissance in Colombia.⁴⁹

Direct Action

Again, while conducting short-duration strikes and other small-scale offensive actions to seize, destroy, capture, recover, or inflict damage on designated personnel or materiel is part of the core SOF mission, this is an area where PMCs are ready and in some cases more than willing to participate. Referring to the DynCorp involvement in Colombia, "they have a local reputation for being both arrogant and far too willing to get "wet", that is, to go out on frequent combat missions and engage in firefights."⁵⁰ Within Iraq, Ronco Consulting Corporation was tasked to disarm, demobilize and reintegrate the Iraqi armed forces, as well as national and regional militias. This contract was modified one month into the Iraq war to also include de-mining operations. Blackwater Security Consulting L.L.C, another private military contractor and security firm that provides support to military and government agencies, as well as law enforcement and civilian entities was awarded a \$21, 331,693 to provide security guards and two helicopters for the America Ambassador L. Paul Bremer in Iraq.

Psychological Operations

PMCs are already into Psychological Operations in which they replace or augment the SOF mandate to create or reinforce attitudes and behavior favorable to the friendly nation through operations that carry information to foreign audiences. This information focuses on influences the emotions and reactions of foreign governments, organizations, groups, and individuals. Indeed, some PMCs, such as Strategic Communications Laboratory, specialize in Psychological Operations.⁵¹

Civil Affairs

Civil Affairs activities promote civil-military cooperation between the Special Forces and foreign governments, foreign populations, and nongovernmental organizations at national and local levels before, during, and after hostilities or other emergencies. They may also administer occupied areas to assist friendly governments in rebuilding civil infrastructure and institutions. While this is a core mission of SOF, PMCs have been active in this arena for some time. An example of this is the relationship between PMCs and companies like General Electric, which work together to restore electricity in failed states. This will become more and more something that falls into the bailiwick of PMCs.

Doug Brooks of the International Peace Operations Association, based in Virginia, says UN peacekeeping is largely staffed by troops from the developing world. He argues that the use of private companies would improve the quality of the operations. "Often the US and UK and France refuse to participate in these missions. You end up with the least capable militaries doing the most difficult military tasks in the world," he says.⁵²

Unconventional Warfare

When discarding the role of PMCs within the government Senator John

W. Warner, the Virginia Republican and Armed Services Committee chairman, said in an interview "I refer to them as our silent partner in this struggle," Unconventional Warfare activities primarily assist insurgents, secessionists, and resistance movements abroad. SOF assigned to such missions help organize, equip, train, and advise indigenous undergrounds and guerrillas, furnish various kinds of support, and establish evasion/escape networks that facilitate safe movement to, from, and within enemy territory. A core mission of SOF, unconventional warfare is an area where PMCs can provide more clandestine operations such as supplying insurgents with proper training and equipment.⁵³ PMCs are more and more encouraged to enter into this kind of operation. For example, when the United States was deliberating over whether to intervene in Liberia in 2003, "Northbridge Services, a private military company (PMC) founded by retired UK and US soldiers, says it could deploy 500 to 2,000 armed men to Liberia in three weeks to halt the fighting, which has raged around the capital, Monrovia."⁵⁴

Information Operations

In the effort to achieve information superiority through compromising adversary information and information-based processes and systems, the SOF are receiving backup from PMCs.

...they are there, racing about Iraq in armored cars, many outfitted with the latest in high-end combat weapons. Some security companies have formed their own "Quick Reaction Forces," and their own intelligence units that produce daily intelligence briefs with grid maps of "hot zones." One company has its own helicopters, and several have even forged diplomatic alliances with local clans.⁵⁵

The involvement of PMCs in Iraq makes the complex matter of information sharing even more complex matter. On December 26, 2000, Army's assistant deputy chief of staff for intelligence, Patrick T. Henry, dispatched a memo declaring that intelligence training should not only be restricted from contractors, but also cautioned against the threats to national security posed by reliance on such workers in sensitive intelligence functions.⁵⁶ Despite his report, on the prohibition on contractors who would perform intelligence work there have been reports on the use of contractors in Iraq. These reports have "disclosed that private-sector employees have been performing sensitive intelligence work in and around combat zones."⁵⁷

Humanitarian Assistance

Humanitarian assistance attempts to improve the quality of life in foreign countries through medical, dental, and veterinary care in rural areas, rudimentary surface transportation, well drilling, and basic sanitation projects; rudimentary construction and repair of public facilities, and transportation of relief supplies. While this is standard SOF work, this is also such a core component that PMCs

routinely advertise services that help in the humanitarian response to international relief requests. The ArmorGroup advertised itself as "a commercial leader in environmental remediation from landmine & UXO pollution, committed to supporting the international endeavor to remove the menace of landmines and UXO."⁵⁸

Kofi Annan, UN secretary-general, said in 1998 that he considered using a private company to keep fighters and refugees apart in the Rwanda crisis. But he concluded: "The world may not be ready to privatise peace." It may be readier now. Peter Singer of the Brookings Institution, an expert on PMCs, says there is discussion in the Bush administration, and particularly the Pentagon, about using such companies. It is being driven by concerns about the US army: half of its 33 active divisions are in Iraq, while it is also committed in Afghanistan, South Korea, Kosovo and elsewhere.⁵⁹

Theater Search and Rescue

Theater search and rescue activities involve the use of aircraft, surface craft, submarines, specialized teams, and equipment to find and recover pilots and aircrews downed on land or at sea outside the United States and its territorial waters. Combat search and rescue operations often require special skills and equipment that enable small teams to infiltrate enemy territory undetected, accomplish their missions, and return clandestinely. In what was referred to as "outsourcing a war", a private company "made up of ex-US Special Forces personnel armed with machine guns, landed and rescued the crew"⁶⁰ was involved in a rescue mission in Colombia in February 2001.

Why SOF

Most PMC personnel are former members of elite units are usually drawn from the Special Operation Forces community.⁶¹ The reason for this is because the demands placed on security contractors require individuals that can escort convoys or providing static and roving protection of individuals and installations. Most of the actual security teams operating on the ground frequently are composed of former and retired NCOs (Non Commission Officers), men in their 30s and early 40s. These individuals must have a background in combat arms sector, if not depending on the contract special operations training and experience. The typical SOF soldier has been trained with the language skills, cultural appreciation and is accustomed to interacting with foreign nationals then the average service member.⁶²

Cons

The largest argument against using PMCs is the moral issue. Without proper regulation by an organization such as the United Nations, mercenaries cannot be counted on to adhere to the same ethical standards as national military forces

party to international agreements such as the Geneva Convention.⁶³ "PMCs are not addressed in the Geneva Conventions. The closest role addressed specifically is that of "mercenary" which is defined in Article 47 of Additional Protocol I (enclosed in Annex B). However, this definition is narrow and would exclude all non-combat activities — ie most activities of most PMC employees."⁶⁴

It is also possible to imagine a combat role fulfilled by employees of a PMC that fell outside the definition of a mercenary. An example might be where the individual became a member of the armed forces of a party to the conflict, or a national of a party to the conflict (see Article 47). Such individuals would be combatants in the conflict and therefore be covered by international humanitarian law. If they were to commit grave breaches of the provisions of international humanitarian law they would be liable to prosecution for war crimes—the provisions of the Geneva Conventions (and the Statute of the International Criminal Court) on prosecution for war crimes apply to individuals.⁶⁵

The rapid need for experienced personnel to work for PMCs creates a potential brain drain on the armed forces. The lure of higher salaries is depleting the ranks of S.O.F personnel in record numbers. Ex S.O.F personnel can make three times the amount in one year in the private industry.⁶⁶ The intense competition for highly quality men has lead to US Joint Operations and Command increasing it salaries, formulating new benefits, and educational incentives to try to contain them.

“Competition with the civilian world has never been greater” mentioned Gen. Bryan Brown, commander of the 49,000-strong U.S. Special Operations Command, in congressional testimony⁶⁷

An article in The Herald by Ian Bruce reported that there are more Ex-SAS soldiers acting as advisers for PMCs than the 300-man elite regiment based out of Hereford. Furthermore, the article states that more than forty SAS soldiers have left the army to peruse contracts in Iraq.⁶⁸

Pros

On the other hand, the benefits of using PMCs to augment or replace SOF are becoming clearer. Efficiency may be the leading reason for a government to use a PMC. "Mercenary corporations' increasing efficiency and self-regulation is influencing the way legitimate governments view mercenaries as instruments of state policy.⁶⁹

Other factors that weigh heavily in the acceptance of PMCs as a viable alternative to the military are plausible deniability, cost effectiveness and rapid reaction times.

The ultimate problem is that the U.N. remains a voluntary organization of states. Its peacekeeping options are thus dependent on the enthusiasm of its members to send their own troops into harm's way. In areas outside their spheres of influence, this is ever less present, in particular among the developed states whose militaries are best prepared to do a good job. The same problem holds true for regional organizations, which are often weakest in the areas of the world where they are needed most. Sometimes, coalitions can be built to respond to crises, but they require time, cohesion, and a willingness and capability to intervene that may not always be there. Thus, when state failure or chaos occurs, often no one answers the call. Even when peacekeeping forces are available, the units are often slow and cumbersome to deploy, poorly trained, under equipped, lacking in motivation, or operating under a flawed mandate.⁷⁰

Singer sums up the whole argument regarding whether the cost effectiveness of PMCs outweighs the moral concerns noting that recently "many have begun to call for a twenty-first-century business solution to the world's twenty-first-century security problems. If everything from prisons to welfare has been privatized, why not try turning peacekeeping over to the private market?" He adds, "Privatized peacekeeping offers both promise and peril, and the time has come for the international community to face up to some hard choices — before the next disaster forces an even worse dilemma."⁷¹

This is no longer the battle cry of academic watchers or PMCs with vested interests but a very real possibility. The British government recently issued a "Green Paper" exploring the issue and while it was mindful of the pitfalls such as human rights, sovereignty and accountability, the "Green Paper" reported "A strong and reputable private military sector might have a role in enabling the UN to respond more rapidly and more effectively in crises. The cost of employing private military companies for certain functions in UN operations could be much lower than that of national armed forces."⁷²

Conclusion

Just as the PMCs re-emerged after the cessation of the Cold War, they will push their way forward into fields of operation that have been, until recently, the bailiwick of SOF. As demonstrated above, the PMCs are already involved in all aspects of warfare and peacekeeping that the SOF are implicated in. Since September 11, 2001, the growth of terrorism and the fear of terrorism, the need for special operations has grown beyond what can be met through the military. PMCs had already been part of the bureaucratization of war and peacekeeping.

With the additional need for activities such as counterproliferation, combating terrorism, special reconnaissance, psychological operations, foreign internal defense, unconventional warfare, and information operations, the demand for PMC intervention in these military operations is increasing and will continue to increase. An article written by Eric Schmitt and Thom Shanker in the *The New York Times* states that

Senior American commanders and Pentagon officials are warning

of an exodus of the military's most seasoned members of Special Operations to higher-paying civilian security jobs in places like Baghdad and Kabul⁷³

The side effect of this is that more special operations experts have been created thus supplying the civilian need for this kind of expertise to be brought into the PMC fold. This in turn gives the PMCs more SOF type abilities that they can offer to the government.

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