

Soldiers of Fortune? The American Post-Cold War Political Debate About the Use of Private Military Companies During Operation Iraqi Freedom

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Introduction

Military privatization has recently become one of the major topics in military and security studies. Because it is a relatively new topic, however, still very little is known about the phenomenon. Contrary to popular belief, privatization of the American military sector already was an issue during the Eisenhower Administration. Eisenhower (1961) was the first President of the United States (US) to address the challenges that military contracting could pose to a democratic government. In his speech, he explained the military-industrial complex, which refers to the mutual interests between the Department of Defense (DoD) and the military industrial companies. The driving force behind these interests was the Cold War arms race, where the DoD grew by obtaining more weapons, and the military industrial companies did the same by supplying them (Eisenhower, 1961).

Although Eisenhower warned the public for military privatization in the 1960s, an absolute peak of modern military privatization occurred at the start of the 21st century (Avant, p. 3, 2012). The most prominent writer on post-Cold War private military companies (PMCs) is P.W. Singer, author of 'Corporate warriors: the rise of privatized military industry' (2003). His book founded the 21st century debate on military privatization, as it provided the first analysis of the phenomenon. In my opinion, the Geneva Centre for the Democratic Control of Armed Forces provides a comprehensive definition of PMCs: "businesses that offer specialized services related to war and conflict, including combat operations, strategic planning, intelligence collection, operational and logistic support, training, procurement and maintenance" (Schreier & Caparini, 2005, p.3). In essence, PMCs are companies a government hires in order to assist in military operations.

Most publications on the subject of PMCs came out after Operation Iraqi Freedom, in which the US invaded Iraq. This is because it was the first war where PMCs were used on a large scale: while the ratio of PMCs to traditional military forces (TMFs) was 1:50 during the Gulf war (1990-1991), during the Iraq war (2003-2011) at a certain point this ratio was 1:1. Two more peaks in PMC related publications occurred after the torture at Abu Ghraib prison in 2004 and the Nisour Square massacre in 2007 became public knowledge. Firstly, it turned out that employees of the

PMC CACI System were guilty of unlawful interrogations at the Abu Ghraib prison in 2004. Subsequently, employees of another PMC called Blackwater (now called Academi) killed 17 civilians at the Nisour Square in 2007 (Pinzauti, 2007, pp. 123-124). Consequently, the Iraqi people and their government were enraged and the debate about PMCs intensified. Moreover, these cases illustrate the severity of this topic. Because the number of PMCs was so substantial during Operation Iraqi Freedom, the case could offer a good opportunity to improve the knowledge about the specific advantages and disadvantages of PMCs that politicians and policymakers addressed. Furthermore, comprehensive knowledge about the internal American political debate currently lacks. By using a renewed framework that studies the internal political arguments, this study forms an addition to the established literature.

Moreover, the specific objective of this project is to provide relevant information for other states that hire PMCs as well. It is especially relevant for other liberal democratic countries, as the political institutions of these countries are in general the same. The US debate about PMCs was clearly overtaken by events. Several incidents had to occur before the negative sides of PMCs were properly discussed. Therefore, it is crucial that other liberal democracies can learn from this by addressing the potential problems on time. In addition, it became clear that even the Netherlands has relied on the use of PMCs during their peacekeeping operations (Van Leeuwe, 2008). Hence, insight in the American political debate on PMCs provides contemporary relevance for the Netherlands as well.

In order to analyze the political arguments that were used during the Iraq war, this project has the following research question: How did the American political arguments for the use of private military companies (PMCs) develop during the Iraq War?

This research question consists of two sub questions:

- 1) Which political arguments were used?
- 2) Has there been a pattern in the development of political arguments? And if so, what is that pattern?

This project has been divided into five sections: the first section presents a discussion of the most relevant studies and established advantages and disadvantages of PMCs. The second section conceptualizes and operationalizes the concepts that are necessary to answer the research question. The third section is concerned with the substantiation of the method, case selection and data selection that is applied in this project. The fourth section provides an analysis of the political arguments for the use of PMCs. The concluding section summarizes the main findings in order to draw potential lessons for the future.

Literature Review

This section will present a discussion of the most relevant studies regarding the hire of modern PMCs. Firstly, three perspectives on PMCs will be presented. Where Eisenhower warned for the military industrial complex, modern military privatization brings even more challenges. Since it provides clarity with regard to the political arguments that will be presented later on, the distinction between different aspects considered in literature is very useful. Secondly, this section will emphasize the advantages and disadvantages of the hire of PMCs.

Three perspectives

There are three possible views on the use of PMCs: the judicial, the economic and the political/military perspective. Firstly, the judicial debate primarily revolves around the question under which jurisdiction PMCs operate. In addition, it includes the accountability and explores the limits of the usage of PMCs under international public law. After the incident at the Nisour Square, the judicial debate mainly revolved around the question to which extent contractors can be held accountable when they violate *ius in Bello*. Secondly, the economic perspective investigates the economic causes of military privatization. The main criterion for this perspective is efficiency, which will be elaborated further on. The economic perspective focuses on the short-term efficiency of military privatization. In contrast, the other perspectives also emphasize the importance of the long-term. Lastly, the political perspective mainly concerns the political arguments around military privatization. Besides, it deals with the state monopoly on the legitimate use of violence. Some scholars (Leander, 2006 & Krahnman, 2010) argue that outsourcing of military force leads to erosion of this monopoly.

General macro environmental explanations for the emergence of PMCs

Now that the different perspectives in literature are clear, this section will describe the theoretical debate about the explaining factors of post-Cold War American military privatization. Singer (2003, pp. 49-73) started the debate with the worldwide reasons for modern military privatization: the end of the Cold War, transformations in the nature of warfare and the global victory of neoliberalism and capitalism.

After the conclusion of the Cold War, the US became the most powerful state in the world, in both economic and military terms (Singer, 2003, p. 67). Thus, the US had a superior geopolitical position in relation to other states. Moreover, the disturbance of the Cold War global balance of power led to less international resistance when conducting military operations. The military superiority and lack of control by other states resulted in a peak of American military operations. This peak also led to a surplus in military demand. Therefore, PMCs were able to comply with this demand by increasing the military supply (Singer, 2003, p.56). The second argument of Singer (pp. 56-61) is the increase in technological innovations in the military area. With the introduction of drones and similar weaponry, it became harder for the DoD to remain the market leader in technological innovation. Thirdly, the end of the Cold War resulted in a global victory of the neoliberal and capitalist system. Hence, the global military market went through a process of privatization. This meant that private actors became more involved with the production and use of military equipment.

Although these are correct explanations, they only explain the rise of PMCs from a general macro environmental perspective. Singer's (2003, p. 79) main conclusion was that PMCs filled the gap that was created following the conclusion of the Cold War, when the constant threat of a military confrontation with the Soviet Union was over. Hence, the military supply adapted to the decreased demand. However, when the United States intervened during the first Gulf War and other operations, the demand for military force increased again. Conveniently, PMCs filled the gap between the supply- and demand side, restoring the military market equilibrium.

In contrast to Singers (2003) general macro environmental explanations, this project focuses on political arguments. It is presented here that there are two differences between these lines of

reasoning. Firstly, political arguments are internally generated, while macro environmental factors are externally generated. The general macro environment concerns global matters, not a specific region or country. Obviously, the US is influenced by trends in the macro environment. The difference however, is that the US is not the only country that has agency in these explanations. The end of the Cold War for example, does not form a direct explanation for the hire of PMCs by the US in a specific war. Therefore, political arguments refer to the American arguments regarding the use of PMCs. Secondly, general macro environmental explanations typically follow from a supply-demand mechanism, where an increase in military contracting restores the market equilibrium. These explanations are based on the assumption that governments always consider the hire of PMCs as a suitable tool to restore military supply and demand discrepancies. Instead, an answer to the question whether the hire of PMCs is a suitable solution, is how one can define political arguments. Thus, political arguments refer to the underlying internal arguments for the privatization. In addition, the two requirements for macro environmental explanations are cumulative, meaning that they both need to be fulfilled before one can define them as such. The next paragraphs will present views from the literature on the advantages and disadvantages of PMCs. This is relevant here, because they categorize the political arguments.

Advantages

The first advantage of PMCs is efficiency. Dunigan (2011) states that, in general, the hire of PMCs is cheaper than TMFs. This is because PMCs need less military training and require less health and pension costs (ch.3). Moreover, Wise (2012) concludes that the largest difference, however, was between the life insurance payments of PMCs compared to TMFs. Employees of PMCs have poor health insurance, which save PMCs a lot of money. However, because the wages are two to three times higher, and the jobs are more flexible, employment by a PMC still remains appealing. Besides, privatization in general brings economic benefits. A private organization is better able to specialize in a certain activity. Therefore, private organizations can work more efficient. In addition, private organizations operate in a competitive environment, where the government does not. In general, this stimulates efficiency (Savas, 2000).

The second advantage is the minimizing of political costs. Avant (2005, p.126) noted that sending contractors who work for profit and choose to voluntarily take a certain mission, does not require the same level of political mobilization as sending TMFs, which are assumed to fight out of loyalty to their homeland. Hence, it is politically less costly to deploy PMCs compared to TMFs. Corresponding to the political costs, the Vietnam War showed that the number of casualties is crucial for the long-term performance of military operations. The theory is that when the number of casualties increases, the public support for a war decreases. Scholars named this the 'casualty sensitivity effect' (Schooner et al., 2011). When the number of casualties gets too high, the public perception will turn against the war, making it impossible to legitimize the continuation. This occurred during the Vietnam War. This is also why most presidents are reluctant when it comes to the use of ground forces. Schooner et al. (2011, p. 13) state that contractor casualties largely remain out of public sight. Therefore, PMC casualties do not influence public perception as much as TMFs casualties do.

The third advantage is military expectations. Isenberg (2009) argues that the deployment of PMCs can be caused by a discrepancy between the military ambitions and the military capabilities of TMFs. When a specific event calls for a sudden change of the military strategy, the government may hire PMCs out of distress. In that case, all means are permitted in order to realize the military strategy.

The last advantage is short-term military effectiveness, which will not be used in this project. The reason is the following: for the determination of military effectiveness, it is important to distinguish between the short- and long-term effectiveness. The civil war in Sierra Leone (1997) is the only case that clearly demonstrated short-term military effectiveness (Brayton 2002, pp. 21-27). Although the Sierra Leone case can be classified as an advantage, it is incomparable to Operation Iraqi Freedom (see appendix 1 for a more comprehensive analysis of PMCs in the Sierra Leone civil war). In contrast to the former Sierra Leone government, the US was one of the most, if not the most powerful state in the world during the Operation Iraqi Freedom. Secondly, and more importantly, it quickly became clear that the Iraq war was going to be a long-term war. The American army did not need PMCs to establish military short-term effectiveness. This is demonstrated by the fact that offensive TMFs ended the conventional war after just 21 days

("Private Security Monitor | Sie | Korbel | University of Denver," 2014). Therefore, short-term military effectiveness as an advantage will not be examined as a political argument.

Disadvantages

The first disadvantage of PMCs is long-term military effectiveness. Lovewine (2014) investigated how acts of PMCs influenced the US long-term strategic objectives during the war on terror in Afghanistan and Iraq. Lovewine (2014, p. 133) concluded that PMCs undermine long-term goals because they disrupt counterinsurgency. Counterinsurgency refers to a military tactic that attempts to counter the opponents' guerilla tactic in order to eradicate the roots of the war. Lovewine derived this argument from the investigation of the interaction between PMC personnel and the Iraqi civilian population. It turned out that contractors often did not comply with the military protocols and regulations. Furthermore, he conducted interviews with both Iraqi and American eyewitnesses of war crimes involving PMCs. Because PMCs adopted a very hostile attitude towards civilians and were involved in several scandals, the presence of PMCs negatively reflected on the perception of the American occupation. This change in public perception has been detrimental to the long-term American military counterinsurgency objectives. Razor and Bauman (2007, ch.1) investigated the massacre at the Nisour Square in 2007 and they state that the possible reason for this hostile behavior is the difference in interests. PMCs represent the interests of shareholders and not of the general mission. For example, when executing the task of a certain military transportation from point A to point B, PMCs can be expected to execute this task at all costs, not caring about the possible collateral damage that they can cause with certain actions. This is because PMCs are judged by the way that they carry out a specific mission, not how the war in total ends.

The second disadvantage is the erosion of the state monopoly on violence. Leander (2006) argues that military outsourcing challenges the Weberian idea of the state monopoly on the legitimate use of violence. According to this idea, the government should carry out all defense and police tasks. Therefore, the government should have complete control of the military and security sector. Avant (2007) states that there are three different types of control: functional, social and political. Functional control focuses on the military effectivity. The military should be able to

provide sufficient security and operational effectiveness. Secondly, social control refers to the principle that the military sector should act according to the widespread social norms. Consequently, unlawful conducts by military forces are fundamentally wrong. Lastly, the political control refers to the democratic control of PMCs. To remain legitimate, the military sector should be under the rule of democratic elected leaders. That is why the western institutional control is based on checks and balances.

Although a lot has been written about the causes for military outsourcing, literature about the American military privatization mostly focused on general macro environmental explanations. Therefore, a new perspective is desirable. The internal political arguments are based on the advantages and disadvantages that the existing literature established. Furthermore, this project sheds light on how these arguments developed under the pressure of the US Congress. Previous studies have not dealt with these internal political arguments. Therefore, significant information about the American political debate on PMCs is offered in this project.

Conceptualization and operationalization

In this section the concepts that are necessary to answer the research question will be conceptualized and operationalized. “Concepts are the way that we make sense of the social world” (Bryman, 2016, p.6). Therefore, concepts form the building stones of theories.

Conceptualization refers to the weighing of different definitions and distinctions, in an effort to clarify the concepts. Operationalization is making the theories and concepts measurable (Bryman, 2016, p. 161). This section begins by conceptualizing PMCs. It will then go on to the conceptualization and operationalization of the separate political arguments.

The concept ‘political arguments’ will be examined by studying primary resources. Which arguments influenced the policy, will be determined by studying these resources. In this case, it is operated by comparing the debates in congress and the advisory reports of political commissions with actual policy, legislation and empirical observations. Given the limited time for this study, it is impossible to read all congressional documents relevant to the Iraq war. Therefore, indicators were used to filter the congressional database. Indicators are the words that helped to recognize and categorize a certain argument. Moreover, the type of source can be important when it comes to the type of argument. Political arguments regarding the military effectiveness for example, are most likely military advice reports. *In sum*, the operationalization answers two questions: firstly, how to recognize political arguments? Secondly, how to classify political arguments?

PMCs

PMCs provide a wide range of products and services for the DoD. Services provided by contractors include logistics, construction, technical support, security *etcetera*. Besides, PMCs also support the military with a different range of tangible goods. Products provided by contractors range from food, technology, and weaponry to vehicles and communication equipment (Congressional Budget Office, 2008). Because of this diversity, Singer (2003, pp. 199-201) distinguished three types of PMCs, based on their range of services and force levels. Type one are military provider firms. Their main activities are implementation and command, meaning that these type of PMCs participate in direct combat. Type two are military consulting firms. Their

main activities are the advising and training of TMFs. Type three are the military support firms. They focus on supplementary services and goods. According to Singer, type two and type three PMCs do not participate in active combat.

This typology is, however, somewhat obsolete. Firstly, a single PMC may offer a wide range of services or goods, making it impossible to place it in one of Singer's categories. Blackwater (recently renamed to Academi), for example, offered services that range from the security at western music festivals to combat support in warzones (academi.com). Secondly, most of the warfare during the Iraq war was unconventional. Terrorists and other opponents of the American occupation used guerrilla and insurgency tactics, making even type two and some type three PMCs a possible target. Cha and Merle (2004, pp. 1-4) illustrated this in an article in the Washington Post. In this article, they tell the story of the 35-year-old Todd Drobnick, a contractor that provided linguistic support services during the Iraq War. Based on Singer's typology, this would place him in the type three category. During this time, Drobnick was attacked by "small-arms fire, grenades and makeshift bombs". Ultimately, he was killed in a vehicle attack, while he was travelling to an American military base. Unfortunately, this was not an isolated case. Several contractors ended up in active combat, and even received battlefield commendations (Cha and Merle, 2004, p.1). The range of contractor services and Iraqi warfare in which PMCs operate, blurred the line between soldiers and contractors.

Because the assumption that only type one PMCs end up in active combat does not hold, this study uses a new typology. As the story of Drobnick shows, even linguistic support contractors can be involved in active combat. Therefore, one can safely assume that every contractor that was stationed in Iraq had a chance to get involved in active combat. This means only contractors that were not deployed in Iraq itself, such as suppliers of military technology, are excluded.

Moreover, Singer (2003, pp. 40-48) described the difference between mercenaries and PMCs, which is another important distinction. He states that the very word mercenary has "certainly acquired an unflattering connotation. In general, to be a mercenary is to be inherently ruthless and disloyal" (p. 40). Scholars referring to PMCs as mercenaries in general regard them more negatively. For example Abdel-Fatau Musah (2000), who states that "private military companies

are nothing but the old poison of vagabond mercenaries in new designer bottles”, or Atul Bharadwaj (2003), who states that PMCs only use the term PMC to circumvent the negative impact of the term mercenary, which is just a disguise. These scholars claim that the only difference lies in the fact that PMCs are hired by a government and mercenaries are not. In contrast, Shearer (1998, p. 13) states that labelling them as mercenaries distorts the debate and feeds incorrect assumptions. Because this study seeks to analyze the political arguments in an objective way, the definition PMC will be used, instead of mercenary (see appendix 2 for a more comprehensive analysis of the differences between PMCs and mercenaries).

Political arguments

Now that my conceptualization of PMCs is clear, the next paragraphs will be about the conceptualization and operationalization of political arguments. Political arguments include the congressional political debate on the use of PMCs during the Iraq war. A regularly heard comment is that the political arguments only revolve around the possible erosion of the state monopoly on violence. However, based on the advantages and disadvantages of PMCs, there are many political arguments. The critical arguments therefore are ‘negative military effects’ and ‘lack of control and accountability’, which is related to the erosion of the state monopoly on the legitimate use of violence and will be further explained in the loss of control and accountability paragraph. The arguments in favor are efficiency, military expectations and political costs. These different political arguments will be examined below.

Arguments in favor of PMCs

Efficiency

The process that is used in the US to determine whether it is more cost efficient to outsource military functions is called A-76. The circular no. A-76 process was implemented in 1996 and revised in 1998, during the Clinton Administration. Because the purpose of this process is to stimulate efficiency and innovation by competitive sourcing, political arguments regarding this process classify as efficiency arguments. Lavadour (2001, pp. 27-29) elaborated on how the process works in practice. Firstly, the Federal Activities Inventory Review (FAIR) decides whether

a certain function can be privatized. When the decision that the function can be privatized is made, there will be a bidding on the contract. The government will form a commission out of DoD civilian personnel that will make the first bid. When the bid is placed, PMCs are invited to the auction to place their bets. Because most PMCs have better and more experienced legal military experts at their disposal than the DoD civilians, PMCs mostly have a better overall view on the total costs that will be involved with the contract. Therefore, it is possible for them to offer a better price than the government. Subsequently, the bids will be compared by a computer program, which should guarantee the objectivity. A PMC can only win the contract if they beat the government by at least ten percent. Lastly, the contract will be implemented by the highest bidder at the concerning army department. When a PMC wins, the compensation is left to them. When the compensation is less than the contractual revenue, the PMC makes a profit. When analyzing the political debate, efficiency arguments are recognized by indicators as cost-efficiency, the A-76 process, military competitive sourcing and innovation. For example, when emphasizing the importance of (military) competitive outsourcing, this classifies as an efficiency argument.

Political costs

Besides all the financial costs, the Iraq War imposed two different political costs to the US. One resulted from the fact that, in contrast to operations Desert Storm and Desert Shield, the US did not get a Security Council mandate for operation Iraqi Freedom. For the first Gulf War, the US succeeded to form a large international coalition, even including almost every Middle Eastern country. In contrast, they conducted the second Gulf War without a Security Council authorization and with a minimal international coalition to support them. All their allies, with the exception of the United Kingdom, condemned the second attack. Although the US can be defined as the most powerful state in the world, the conduct of a non-mandated war imposes diplomatic and political costs vis-a-vis the international community. These costs are defined as external political costs, as it regards the costs related to the international community.

Considering that the American DoD hired the contractors in Iraq, the international community simply sees them as American soldiers. Hence, there is no relation between the deployment of

PMCs and external political costs. With regard to internal political costs, Schooner (2010), however, argues that there does exist an inverse relation between the use of PMCs and internal political costs. Because of this, this study will only focus on these internal political costs. As previously discussed, these refer to the casualty sensitivity effect. When the casualty rate increases, public support for an operation usually decreases. When analyzing the political debate, internal political cost arguments are recognized by indicators as contractor casualty rates, contractor fatalities and public support. For example, when arguing for the use of contractors in order to influence the casualty sensitivity effect, this classifies as a political costs argument.

Military expectations

Military expectations are defined as the annual military strategy of the US. Arguments that classify as military expectations are usually found in military advisory reports. Mostly, they are related to the previously described components of the US military and geopolitical strategy. When analyzing the political debate, military expectation arguments are recognized by indicators as the military strategy, 9/11, war on terror, national security strategy and weapons of mass destruction. For example, when emphasizing that all means are allowed in order to prevent the regime of Saddam from obtaining weapons of mass destruction, this classifies as a military expectations argument.

Opposing/critical arguments

'Lack of control and accountability'

As previously stated, the erosion of the state monopoly on violence is an important disadvantage of PMCs. Nevertheless, this term is more common in academic publications than in political practice, where this disadvantage is called a 'lack of control and accountability'. Because the functional control classifies as military effectiveness, solely social and political control arguments classify as 'lack of control and accountability' arguments. Control refers to the congressional control, while accountability refers to the judicial control. When analyzing the political debate, 'lack of control and accountability' arguments are recognized by indicators as: accountability,

transparency, congressional oversight, requirement of information, Blackwater and CACI. CACI and Blackwater are exceptionally good indicators because they were involved in the Abu Ghraib and Nisour Square scandals. Logically, these scandals caused consternation in the US Congress. For example, when requiring more information about contractors, this classifies as a 'lack of control and accountability' argument.

'Negative military effect'

Lastly, the deployment of PMCs can have two 'negative military effects'. Firstly, a coordination problem between TMFs and PMCs may arise. As coordination deficits typically reveal themselves quickly, this can be defined as a short-term effect. Secondly, a negative impact on counterinsurgency may occur. Because counterinsurgency deals with the public opinion and the broader objectives of the war, it is defined as a long-term effect. When an argument revolves around one of these effects, it will be categorized as a 'negative military effect argument'. When analyzing the political debate, 'negative military effect' arguments are recognized by indicators as the larger mission in Iraq, mission critical functions, counterinsurgency and requirement of improved coordination.

The arguments in favor:

Arguments	Indicators
Efficiency	A-76 Process, cost-efficiency, (military) competitive sourcing and innovation
Military expectations	Military strategy, 9/11, War on Terror, National security strategy, weapons of mass destruction
Political costs	Contractor casualty rates, contractor fatalities, public support

The opposing/critical arguments:

Arguments	Indicators
'Negative military effects'	Larger mission in Iraq, mission critical functions, counterinsurgency, requirement of improved coordination
'Lack of control and accountability'	Accountability, transparency, congressional oversight and requirement of information, Blackwater, CACI

Method used for historical study

To answer the research question a content analysis was used, which was applied to a historical case (the Iraq war). Content analysis is a research method that analyzes documents or texts and places them in a certain category (Bryman, 2016, p. 289). This means that the political arguments that arise from the sources are placed in one of the political arguments categories that are conceptualized in the previous section.

The Iraq war was a conflict between a western coalition of the US, the United Kingdom (UK), Australia and Poland against the Ba'ath regime of Saddam Hussein. It consisted of two phases: the conventional war (2003) and the civil war (2004-2011).

The conventional war

With the successful operation Thunder Run, the regime of Saddam Hussein was officially overthrown on May 1, 2003

The civil war

After the defeat of the Ba'ath regime, the US introduced a democratic government, leading to an internal power vacuum. A long-term civil war resulted, and the Americans only left Iraq in 2011, during the Obama Administration (see appendix 4 for a more comprehensive description of the Iraq war).

Furthermore, it is important to note that this study uses a qualitative form of content analysis. The most important arguments will be categorized and compared to actual policy and the justification thereof. These arguments will be presented in a narrative way. In addition, this study will present a pattern that was observed in the various lines of argumentation.

Case Selection

Based on Gerring's (2008) classifications for case selection, the Iraq war is most closely related to an extreme case. An extreme case is selected because of the extreme value of a variable of interest (Gerring, 2008, p. 11). The debate about the use of PMCs was extremely active during the Iraq war, as evidenced by the congressional database. Although the Iraq war comes close to

an extreme case, Gerring's methods concentrated on finding causal mechanisms, whereas that is not the purpose of this study.

When analyzing an extreme case, there may occur a problem with representativeness. If the case is not similar to cases in the population, it is impossible to state that a certain causal argument exists over the population in total (Seawright & Gerring, 2008, p. 301). Nevertheless, this study aims to explore the phenomenon, instead of formulating causal mechanisms about it. This study identifies the possible arguments and patterns in these arguments that democratic states may have.

Data selection

This project uses three types of sources: legislative documents (all statuses including), congressional records and DoD committee reports. Legislation can have eight different statuses, from introduction to law (see appendix 5 for a more comprehensive description of the legislative process). These type of sources are used because they provide a comprehensive picture of the congressional debate. Therefore, they are suitable for answering the main research question. By studying the congressional records and all statuses of legislation, arguments that did not develop into law can be identified as well. This is especially important for a valuable representation of the opposing and critical arguments, which often did not become law. Furthermore, the congressional records are selected because they provide additional substantiation of the argumentation in the legislative documents. Lastly, the DoD reports are chosen in order to highlight the military perspective on the arguments. This is important for two reasons: firstly, most politicians derive their political arguments from DoD findings. Secondly, the DoD has practical experience with PMCs, this makes their arguments of great value.

With the exception of 'Improving the combat edge through outsourcing', all documents are collected from the online Library of congress (n.d.). The most important reason for using the congressional database, is that it provides all congressional records from 1973 to the present. Since it is such a voluminous database, it is important to use filters and key search words. Otherwise, it would not be possible to select the PMC related documents. Given that the Iraq war lasted from 2003 to 2011, it was necessary to use the time filter on the left side of the screen to

select the legislation from that period. Besides, it is important to note that the term PMCs is solely used in academic context. Therefore, it was necessary to use the search terms 'contracting' and 'outsourcing'. Moreover, it is possible to add the subject and policy area to a search. Because PMCs are part of the Armed Forces and National Security policy, using this filter provides the relevant documents for this project.

Analysis

Schematic representation of the arguments and their matching primary resources:

Arguments in favor:

Document	Efficiency	Military expectations	Political costs
Improving the combat edge through outsourcing (1996) DoD	√	√	×
Defense outsourcing: Circular no. A-76 (1998, updated version of June 30, 2005) DoD	√	×	×
National Security Strategy (2002) DoD	×	√	×
Presidential Management Agenda (2002) Pres. Bush, Republican Party	√	×	×
National Security Strategy (2003) DoD	√	√	×
S1375 (January 23, 2003) Sen. Stevens, Republican Party	√	×	×
S10136 (July 29, 2003) Sen. Thomas, Republican Party	√	×	×

Opposing/critical arguments:

Documents	'Lack of control and accountability'	'Negative military effects'
H10122 (October 29, 2003) Rep. Pallone, Democratic Party	√	×
S 207 (January 23, 2004) Pres. Pro tempore Byrd, Democratic Party	√	×
H.R. 2011 (April 28, 2005) Rep. Price, Democratic Party	√	×
H.R. 369 (January 10, 2007) Rep. Price, Democratic Party	√	√
S.674 (February 16, 2007) Sen. Obama, Democratic Party	√	√
H.R. 3695 (September 27, 2007) J. Hall, Democratic Party	×	√
H.R. 2740 (October 4, 2007) J. Hall, Democratic Party	√	×
S 3423 (April 28, 2008) Sen. Cardin, Democratic Party	√	×
P.L. 110-417 (October 14, 2008) George W. Bush	√	×
HR. 4650 (February 23, 2010) Rep. Schakowsky, Democratic Party	×	√
S. 3023 (February 23, 2010) Sen. Sanders, Democratic Party	×	√

See appendixes 8 and 9 for more comprehensive tables.

This analytical section will provide an analysis of the development of the political arguments during the Iraq War.

As stated in the introduction, the process of modern military privatization started during the 1990s. In 1996, the DoD published a report about the necessity to outsource parts of the military sector (DoD, 1996). The main conclusion of this report was that the military capacities did not match the military ambitions. The most important reasons for this conclusion were a decline of the military budget and an increase in the military challenges (DOD, 1996, p.2). Because of these new military challenges, the DOD wanted to modernize and improve the readiness of its forces. Hence, these conclusions classify as both efficiency and military expectation arguments.

The DoD saw outsourcing as a significant opportunity to generate much of the savings necessary for the modernization and readiness of its forces (p.3). Because of the Cold War, the American army was designed for deterrence. When the Cold War ended, the nature of American warfare changed. As demonstrated by the first Gulf War and the intervention in Bosnia-Herzegovina, the American army had to focus on short and intense operations, instead of long-term deterrence. To achieve these objectives, the US had to ensure that the military would be more flexible and efficient. Military flexibility is primarily about force supply flexibility. This refers to the flexibility in deployment of military forces. Because of the reductions in the military budget, this issue became one of the biggest challenges for the DoD. In times of lower military expectations, the force supply should also be lower and vice versa. The DoD can achieve this flexibility by setting up the contractual terms in a way that they can terminate the contract at the end of a certain operation. Such flexibility is not possible in the contracts for TMFs.

Furthermore, the report provides several reasons why outsourcing would be more efficient (p.5). Firstly, it introduces competition to the military sector. Competition improves the quality, and more importantly, the cost efficiency. Besides that, the outsourcing should establish economies of scale and specialization. Companies specializing in a particular military service will produce more, giving them economies of scale. It is important to note that the last argument does not

seem to reflect reality. As previously considered, most of the PMCs do not specialize in a particular service. Instead, they offer a wide range of services and goods. This is at least the case for the most important American PMCs DynCorp and Blackwater. Nonetheless, the decision was based on experience within the DoD itself, demonstrating genuine cost efficiency when using PMCs. The DoD (1996, p.7) stated that the total percentage of savings because of contracting between 1978 and 1994 amounted to 31 percent. The Circular no. A-76 acknowledged this argument: competitive outsourcing could save the government about \$6 billion by the financial year 2003. Although it was the purpose to save tax money, several cases of fraud by PMCs became known (H10122 and S207). Therefore, it is questionable if military outsourcing really stimulated cost efficiency.

A possible reason for efficiency to become such an important argument is the constant trade-off that the US Congress has to make. They must balance the military spending against the taxpayers willingness to keep paying their level of taxes. When the military budget is too low, taxpayers will be dissatisfied, with the result that the members of congress will not be re-elected. On the contrary, taxpayers will also be dissatisfied when the military budget is too high, which leads to excessive tax rates and therefore also to a minimal chance of re-election. This contradiction is an important underlying political cause for the increasing privatization of government functions.

Surprisingly enough, there is no congressional record on military outsourcing during the 1990s. A possible explanation for this, is that PMCs merely focused on supplementary military services or goods during this decade. Therefore, they were not, or barely engaged in combat situations. However, this would be contrary to the conceptualization of Iraqi PMCs applied in this project, which considered that all contractors that are deployed on Iraqi ground had a high risk of getting involved in active combat. Nonetheless, the nature of military operations during the 90s was very different compared to operation Iraqi Freedom. The American army was not confronted with large-scale guerrilla tactics during the wars in the 90s, whereas this was the case in Iraq. Consequently, PMCs mostly stayed under the radar and the debate remained of the political agenda (see appendix 6 for the Iraqi guerilla tactics).

The first turning point: 9/11

The first turning point in the hire of PMCs were the terrorist attacks of 9/11. The attacks resulted in further increasing military expectations, demonstrated by the National security strategies of 2002 and 2003 (DoD, 2002 & 2003). The military strength of the US should be used to expand the American values around the globe. The report defines this belief as American internationalism (DoD, 2002, p. 2). The national military strategy built on this belief and was based on two priorities: defeating global terrorism and preventing enemies from threatening the US with weapons of mass destruction. These priorities were clearly demonstrated by a speech that President Bush gave on June 1 2002 (see appendix 7).

As previously stated, the DoD (1996) already saw military privatization as an option to meet the high military expectations. The DoD did not change their minds about this in 2003, arguing that military contracting belonged to a variety of techniques that could ease the burden for deployment management. Moreover, the DoD (2003, p.48) stated that the number of contractors should increase because of their new military ambitions. In contrast to the 1996 report, the 2002 report did not explicitly state that only non-inherently governmental functions could be privatized. This means that the military expectation argument outweighed the state control argument. The DoD seemingly prioritized the erosion of their military monopoly over being unable to meet their military expectations.

In addition to the increased military expectations, competitive outsourcing was one of the core objectives of the George W. Bush Administration. Right before the Iraq war started, the Bush Administration published the Presidential Management Agenda. In this report, Bush (p.17) explicitly stated that he wanted to stimulate competition between the public and the private sector. Moreover, he stated (p. 18) that the DoD expected to save \$11,7 billion as a result of competitive outsourcing. Congressional records S1375 and S10136 underline this argument. In order to save public money, the government should focus on privatization.

When the war started in 2003, there were initially no PMCs involved in the active combat of the attack. The contract obligations in 2003 were merely for logistics support, construction, petroleum products or food (CBO, 2008). However, when the war progressed, the DoD allowed

PMCs to bear arms in Iraq and perform combat related functions, as the armed security or transportation contracts. Apparently, the definition of inherently governmental functions suddenly had a large grey area. The uncertainty about the definition of inherently governmental functions was caused by the fact that the government used three different definitions (Congressional Research Service, p.7). Consequently, but a little late, the George W. Bush administration enacted legislation P.L. 110-417 (2008) in order to use a single consistent definition of inherently governmental functions.

As the first stage of the war ended after just 21 days of fighting, the American army thought they had won the war. They had successfully overthrown the Ba'ath regime of Saddam and restored the northern no-fly zones and opposing regions. From that point, the coalition forces focused on state building. In order to restore the peace, their goal was to establish a stable democratic government. However, Kinsey (2006) states that there were simply not enough forces available for the state building process. Without a public debate concerning the definition of inherently governmental functions, heavily armed PMCs were used for this state building process. Mostly, their job was to secure facilities or buildings. When the opposing military or Al-Qaida related forces launched a surprise attack, as they did on the Abu Ghraib prison in 2004, they directly faced armed PMC employees (Report on Wartime contracting in Iraq and Afghanistan).

Because PMCs became increasingly involved in active combat, casualty rates among them increased. The report on wartime contracting in Iraq and Afghanistan states that over 30 percent of the total casualties during the entire Iraq War involved contractors. Michaels (2010) argues that PMC deaths mostly not appear in public casualty rates. Therefore, deploying contractors could lighten the internal political costs that casualties generate. Although there are some signs that point in that direction, there is no public record about the DoD deliberately using PMCs to reduce the casualty rate in public records. Already in 2005, Price (p.3) argued with Bill H.R. 2011 for more transparent casualty reporting: "Each covered contract shall require full reporting to the contracting officer by the contractor of all personnel casualties in carrying out the contract." Although eight other Democratic Party members cosponsored the Bill, it did not mature into law.

The second turning point: Abu Ghraib incident

The second turning point was the publication on the tortures at the Abu Ghraib prison in 2004. Employees of CACI were responsible for the interrogation of the prisoners. Terrible events, including torture and humiliation of prisoners were committed on a daily base. Before these events, the only critical arguments made in congress concerned oversight on contractor financial expenditure (S207). From this moment on, the 'lack of control and accountability' arguments gained the upper hand over the other arguments in terms of frequency. H.R. 2011 was the first congressional record to raise the control and accountability of contractors who are guilty of war crimes. The goal of the bill was "to require accountability for personnel performing private security functions under Federal contracts." Furthermore, the Bill required more information about the content of military contracts. "Each covered contract requires the contracting officer to record all the relevant information about the number of persons, the specific functions and how the persons are trained to carry out their specific functions" (HR, 2011, p. 2). When using the three different types of control that Avant (2007) described, these requirements classify as a political control argument. Political control arguments namely focus on the democratic control of PMCs. In addition, the legislation required more information on the background of contractors. Because of this scandal, the government wanted PMCs to provide insight in the background information of their personnel, for example, PMCs had to address the possible criminal past of employees. Despite the criticism from Congress, the number of contractors kept rising. Although the Congressional Budget Office is not sure about the exact increase, their data shows a clear increase until 2006. They estimated that the number of contractors funded by the US was at least 190 000 in 2006 (CBO, p.8).

The third turning point: Nisour Square massacre

The lack of transparency and accountability started to change with the massacre of unarmed civilians at the Nisour Square in 2007. While escorting a diplomatic convoy through Baghdad, contractors of Blackwater opened fire on civilians, killing 17 of them. It turned out the attack was unprovoked by the Iraqi civilians (The Guardian, 19 December 2018). Consequently, the killings fueled the skyrocketing of the public debate about PMCs.

In 2007, senator Obama introduced Bill S.674, titled The Transparency and Accountability in Military and Security Contracting Act of 2007. As the title already suggests, the bill classifies as a 'lack of control and accountability' argument. Obama (p.3) underlined the significance of the military privatization by stating that since the start of the war in 2003, approximately 770 contractors had died and thousands more had been wounded. Besides, the multinational character of most PMCs posed great control and accountability challenges (p. 3). Since citizens of other states do not fall within the American jurisdiction, the US cannot hold them accountable. Because, in practice, PMCs are increasingly getting sensitive assignments, the control and accountability becomes even more important. To accomplish more political control, Obama (pp. 4 – 8) required the DoD to submit two reports: the first report served to get more insight in contractor activities and personnel. Subsequently, the second report required the DoD to reveal their long-term strategy regarding the use of contractors. Besides the 'lack of control and accountability' argument, Obama (p.4) explicitly stated that the coordination between PMCs and TMFs was lacking. Therefore, this classifies as a short-term 'negative military effect' argument. In order to overcome the coordination problem, the Chairman of Joint Chiefs of Staffs had to designate a DoD employee to act as coordinating officer.

The Nisour square incident marked the start for a comprehensive debate in the US Congress. In addition to S.674, Bill H.R. 2740 was introduced. This was the first critical Bill to pass the House of Representatives. Until that moment, contractors did not fall under the jurisdiction of the MEJA law. Thus, it was very hard to hold them accountable for possible war crimes. The Bill required the expansion of the MEJA jurisdiction in order to hold contractors accountable. Hence, this Bill founded the judicial network for the accountability of PMCs. In addition, Bill H.R. 369 and H.R. 2177, introduced by Representative Price, formed renewed texts to Bill H.R. 2011, also introduced by Price. However, both did not pass the House of Representatives. Therefore, further elaboration here would be redundant.

The fourth turning point: President Obama

As demonstrated by the table at the beginning of this section, the vast majority of opposing or critical arguments came from Democratic Party members. Consequently, the critical or opposing arguments completely dominated the debate after Obama was installed as President. As Senator, Obama already introduced Bill S.674 and sponsored Bill H.R. 2740, which required more control and accountability. Therefore, it came as no surprise that transparency regarding PMCs became one of Obama's key points during his campaign. Some scholars even called him the transparency president (Coglianese, 2009). During his Presidential campaign, Obama clearly stated that PMCs harm counterinsurgency efforts and that there is a clear lack of transparency and accountability. Besides, Obama already opposed the Iraq war in 2002 (barackobama.com).

Under Obama's Presidency, Sanders and Schakowsky introduced two similar Bills that both argued to phase out the use of PMCs in the Iraq War. Where previous bills had a critical nature, Sanders and Schakowsky expressed their total abhorrence. The Bills addressed several scandals involving contractors. For example: in September 2009, employees of ArmorGroup North America were "engaging in lewd and drunken sexual conduct and hazing". Furthermore, a Blackwater contractor "shot and killed a guard to Iraqi vice President Adil Abd-al-Mahdi in the Green Zone" (Sanders, p. 4). Because of this, the employee lost his job. He was subsequently hired by another PMC named Combat Support Associates and send back to Iraq and later Kuwait. Also, in November 2007, an employee of DynCorp killed an unarmed taxi driver. The list of scandals continues. These actions combined have contributed to the loss of the long-term counterinsurgency. In the words of Secretary of Defense Robert Gates "These actions work at cross purposes to our larger mission in Iraq" (Gates, 2007). These Bills did not became law because Obama was already planning to discontinue operation Iraqi Freedom. Therefore, regulated PMCs were necessary in order to end the operation safely.

Conclusion

Summary of analysis

A peak of modern military contracting occurred during the Iraq War. There have been two macro environmental explanations for this: the end of the Cold War and the worldwide technological innovations and privatization of the military sector. Nonetheless, this project emphasized the internal political arguments. Based on the established literature, the most important political arguments in favor are the military expectations, political costs and efficiency. Although political costs may be an important argument, this project did not find any congressional or DoD records about this argument. On the other hand, the most important critical political arguments are the negative military impact and the 'lack of control and accountability'.

By using four turning points, the analysis demonstrated a pattern in the political arguments. As the Iraq war progressed, the critical arguments became increasingly important. The attacks of 9/11 marked the first turning point in American contracting. Before, the DoD always balanced their military ambitions with democratic and judicial control by only allowing PMCs to perform non-inherently governmental functions. The ambiguity of the definition, however, resulted in its erosion. Moreover, the performing of combat related functions mostly happened outside of the public debate, thus allowing it to happen. The Abu Ghraib incident marked the second turning point. From this moment on, the US congress also highlighted the lack of control and accountability. The opposing arguments became even more important after the third turning point, the Nisour square incident. The House then passed a bill to require more accountability for contractors. Besides, the negative influence on the American counterinsurgency efforts were also addressed. Lastly, the analysis demonstrated a clear difference of opinion between Democrats and Republicans. Where Republicans advocated the use of PMCs, Democrats were clearly more critical. Consequently, the election of Obama as President marked the fourth turning point.

Future research

Concerning the political costs, this project did not find a relation. The reason for this may be that some documents of the DoD are classified. Therefore, the first suggestion for future

research would be to examine the casualty-sensitivity effect of PMCs during the Iraq war, or in general. The Freedom of information act provides American citizens the right to review some classified documents. A request will only be approved when the requester complies with the requirements of a mandatory declassification review. These requirements can be found in the Executive Order 13526 (National Archives and Record Administration, 2010).

Because congress addressed several cases of contractor fraud and abuse (S207 and H10122), future research could also investigate if the use of PMCs was indeed more efficient compared to TMs. Although this would require a lot of work, a cost analysis would provide useful information on the efficiency argument.

Contemporary relevance

The presented pattern provides relevance for other states that hire PMCs, as it provides the arguments that all liberal democracies may use. The fact that the critical arguments developed during the Iraq war indicates that the US did not think enough about the negative consequences when they initially decided to hire PMCs. Several incidents had to occur before the negative sides of PMCs were properly discussed. It is crucial that other liberal democracies can learn from this, by addressing the potential problems on time. Aside from the political argument perspective, this project addressed the obsolescence of the Singers PMC conceptualization. Therefore, this project introduced a new conceptualization, which is adjusted to modern warfare and the nature of PMCs.

Deficiencies

As this project used indicators and key searches, it may not have captured the entire American political debate on PMCs. Nevertheless, given the limited time and means, it did address the most important parts. In addition, the case is quite similar to an extreme case. Therefore, it is not possible to formulate any causal mechanisms.

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Appendix

Appendix 1: PMCs in the Sierra Leone civil war

In 1997, several officers of the Sierra Leone army had seized control over the country after successfully performing a coup against the sitting president. The new government began to prosecute possible political opponents and violated the human rights on a large scale. The international community was unable to react adequately to the public killings. Hence, the former government hired the PMCs Sandline International and Executive Outcomes. While the United Nations Security Council imposed an ineffective arms embargo, the PMCs Executive Outcomes and Sandline International effectively restored the peace within a year.

Appendix 2: Differences between PMCs and mercenaries

Singer (2003, p.44-45) gives six distinctions between PMCs and mercenaries. Firstly, PMCs are organized in a structured business form, where mercenaries operate on individual base. Secondly, PMCs are profit driven as a whole and not on individual base. PMCs are registered businesses that operate in a legal and transparent way instead of on the black market. Thirdly, PMCs provide a wide range of services, while mercenaries only provide combat service. Fourthly, the recruitment at PMCs is well organized, while anyone can be a mercenary. This is because PMCs recruit from an established database. The last distinction is that PMCs are linked with greater financial holdings and institutions. Thus, they have more corporate ties than mercenaries do.

Appendix 3: Goods and services provided by PMCs

- Fuel
- Food
- Rental of facilities
- Administrative support
- Research and development
- Housekeeping services
- Linguistic Support

- Vehicles/communication technology

Source: Congressional Budget Office, 2008

Appendix 4: Iraq War

After Saddam's Iraq invaded Kuwait in 1990, Bush sr. decided to form an international coalition against Saddam's Iraq. The first objective of this coalition was to deter the Iraqi army from invading Saudi Arabia: Operation Desert Shield. After the international coalition succeeded in doing this, they delivered Saddam an ultimatum: He and his family had to leave the country within 24 hours. When the ultimatum expired, the international coalition started an offensive: Operation Desert Storm. After the international coalition won the war within less than a year, they confronted Saddam's regime with strict UN sanctions, controls and a no-fly zone. When the US suspected Saddam of the violation of these requirements, new tension between the two countries arose. The Iraq war started on 20 March 2003 with the attack against the regime of Saddam Hussein. The direct reason for the invasion was the alleged possession and creation of weapons of mass destruction by the regime. Besides, President Bush claimed the regime had ties with Al-Qaida, the organization behind the terrorist attacks of 9/11. Afterwards the United Nations investigated these accusations and proved that they were incorrect (Keegan, 2011, ch.1).

Appendix 5: American legislative process

To understand the significance of certain arguments presented to the US Congress, it is first important to know how the American legislative process works. All legislation regarding the DoD should be bicameral, meaning that it should go through both the House and the Senate. When the proposed legislation passes both houses, it will be presented to the President. The process of when a bill becomes law is as follows. Firstly, the bill is introduced. Secondly, the bill should pass the House of Representatives and the Senate. Subsequently, possible differences need to be resolved before sending the bill to the president. When the president endorses the bill, it becomes law.

Appendix 6: Iraqi Warfare and guerilla tactics

The end of the Ba'ath regime translated in the emergence guerilla tactics by the Iraqi fighters. Because the US was unable to undermine the supply of guerilla forces, they were clearly losing the war of ideas. From that point on, the US had two options. Their first option was to retreat their forces and play out the Sunni and Shia populations against each other. Secondly, they could try to defeat the guerrilla's with counterinsurgency tactics. Ultimately, the DoD decided to go for the second option. In order to execute a successful counterinsurgency tactic, it is crucial to have the public opinion on your side. This tactic is similar to the "winning the hearts and minds of the people" tactic used during the Vietnam war.

Appendix 7: Speech George W. Bush, June 1, 2002

"The gravest danger to freedom lies at the crossroads of radicalism and technology. When the spread of chemical and biological and nuclear weapons, along with ballistic missile technology—when that occurs, even weak states and small groups could attain a catastrophic power to strike great nations. Our enemies have declared this very intention, and have been caught seeking these terrible weapons. They want the capability to blackmail us, or to harm us, or to harm our friends—and we will oppose them with wapens dragenall our power."

Appendix 8: Comprehensive table of the arguments in favor

Document	Efficiency	Military expectations	Political costs
Improving the combat edge through outsourcing (1996)	<p>-Outsourcing improves cost-efficiency and improves the quality of services (p.4)</p> <p>-Outsourcing works for the following reasons:</p> <ol style="list-style-type: none"> 1) Competition 2) Flexibility 3) Economies of scale and specialization 4) Overall better management (p.5) <p>-Outsourcing has proven to be effective in the past (p.6)</p>	<p>-The DoD faces new military challenges. In order to stay the most powerful army in the world, the military capacities should be adapted to the military challenges</p>	×
Defense outsourcing: Circular no. A-76 (1998, updated version of June 30, 2005)	<p>-The DoD stated that competitive outsourcing could save about \$6 billion by the Financial Year 2003 (p.10)</p> <p>-Although the DoD overestimated the cost-savings in 1998, outsourcing has proven to enhance cost-efficiency (p. 27)</p>	×	×
National Security Strategy (2002)	×	<p>-The US should make every effort to defeat global terrorism. To achieve this, the US should</p>	×

		use all the national and international elements -Private – public cooperation should optimize homeland security	
Presidential Management Agenda (2002)	-“Government should be market-based—we should not be afraid of competition, innovation, and choice. I will open government to the discipline of competition.” (p. 17) -Public – private competition stimulates quality and efficiency. Therefore, the procedures for competitive outsourcing should be simplified (p. 18) -George W. Bush backs his management objectives by stating that the DoD completed over 550 A-76 procedures from 1995 to 2000, which reduced the costs by 34 percent (p.18).	×	×
National Security Strategy (2003)	-Improving cost-effective training should be realized by increasing the use of the private sector (p. 227).	-The military ambitions caused by the war on terror call for enhanced management of expanded/repetitive	×

	<p>-Although the DoD already gained some experience with outsourcing, private sector opportunities should be fully explored (p. 228)</p>	<p>deployments of military forces. The DoD already states that a postwar stability operation in Iraq could make even greater claims in terms of repetitive force deployments. - “Techniques to ease the burden include using reserve Component forces, private contractors and allies (p. 47)”. -The terrorist attacks of 9/11 had a huge impact on the military resource requirements. The private sector should therefore assist in the protection of Homeland Security</p>	
<p>S1375 (January 23, 2003) Senator Theodore F. Stevens , Republican Party</p>	<p>-In response to the Presidential Management Agenda. The Bill underlines the objectives of George W. Bush by stating that the Chamber of commerce and actually the entire American private sector, supports the plans. -Moreover, contracting should allow the DoD to focus on their core functions. Therefore, their efficiency of</p>	<p>×</p>	<p>×</p>

	these core functions should increase		
S10136 (July 29, 2003) Senator Craig L. Thomas, Republican Party	-Also underlines the competitive outsourcing objectives of the Presidential Management Agenda. -Inefficient governmental performances waste taxpayers' money. Therefore, the entire government should give competition a change.	×	×

Appendix 9: Comprehensive table of the critical/opposing arguments

Documents	Lack of control and accountability	Negative military effects
H10122 (October 29, 2003) Representative Frank Pallone, Democratic Party	-In contrast to Republican claims, the lack of control results in inefficient contracting. Pallone states that Halliburton, an important PMC, faced no accountability and oversight. This resulted in excessive tax money spending. Moreover, Pallone accused Vice President Dick Cheney of nepotism. Because Cheney	

	was an employee of Halliburton, the Bush Administration faced accusations of no-bid contracts, which benefited the Vice-President.	
S 207 (January 23, 2004) President Pro tempore (Deputy President if the Vice President is absent) Robert C. Byrd, Democratic Party	- Senator Byrd addressed a fraud case where the PMC Halliburton Co. was involved. As deputy Senate President, he ordered an investigation to require more congressional insight in this fraud case	×
H.R. 2011 (April 28, 2005) Representative David E. Price, Democratic Party	-The purpose of this Bill was to require accountability for PMC personnel. Firstly, each contract should provide information about the personnel (number of persons, backgrounds and functions to be performed). Secondly, the Bill requires all PMCs to report contractor casualties. Lastly, the Bill requires a congressional representative to perform oversight of the contract.	×

<p>H.R. 369 (January 10, 2007) Representative David E. Price and other Democratic Party members</p>	<p>The Bill requires more information of PMC personnel in order to increase the congressional oversight.</p>	<p>In addition, the Bill addresses the military coordination problems between PMCs and TMFs. Therefore, this argument classifies as a military negative short-term effect. To solve the military coordination problem, the Bill argues for the establishment of a “Theater security contract coordinating officer”. This officer is in charge of all the communication and the Bill requires PMCs to report all the necessary information</p>
<p>S.674 (February 16, 2007) Senator Barack H. Obama</p>	<p>The Bill requires transparency and enhanced congressional oversight for PMCs. Obama finds that the multinational character of PMCs provides oversight and accountability problems.</p>	<p>Obama notes: “private security contractors continue to enter the battlefield without coordination with the US military” (p. 3). Therefore, PMCs undermine the short- term military effectiveness and unnecessarily brings the lives of soldiers in danger</p>

<p>H.R. 3695 (September 27, 2007) Representative John J. Hall, Democratic Party</p>	<p>×</p>	<p>Hall addressed the problem that the PMC personnel working in Iraq have made themselves very unpopular among the Iraqi civilian population (p. 2). For the sake of the larger mission he argues for a prohibition on increasing the number of contractors.</p>
<p>H.R. 2740 (October 4, 2007) Representative John J. Hall, Democratic Party</p>	<p>-In response to the Nisour Square shooting, Hall states the contracting system is obsolete. He addressed several shooting incidents where Blackwater employees were involved. Besides, he stated that it should be possible to hold contractors accountable under the military MEJA law. Until that moment contractors did not fall within the jurisdiction of this law. Therefore it was hard to hold them accountable.</p>	<p>×</p>
<p>S 3423 (April 28, 2008) Senator Ben L. Cardin, Democratic Party</p>	<p>-Senator Cardin addressed several cases of contractor fraud and abuse. Therefore</p>	

	he pledged for more democratic oversight and accountability	
P.L. 110-417 (October 14, 2008) Public Law, 110 th congress	-In order to keep control, the legislation requires the governmental agencies to use a consistent definition of inherently governmental functions. Besides, the legislation requires additional contractor information and accountability legislation.	×
HR. 4650 (February 23, 2010) Representative Janice D. Schakowsky, Democratic Party	×	-The purpose of this Bill was to phase out the use of PMCs. She addressed several scandals involving employees PMCs, including the PMC ArmorGroup North America, like “drunken sexual conduct” (p.3). In addition she addressed Blackwater employees conducting war crimes. Besides, she noted that the work of contractors “is at cross-purpose to our larger mission in Iraq” (p.4).

S. 3023 (February 23, 2010) Senator Bernard Sanders, Democratic Party	x	Addressed several scandals involving Blackwater, Dyncorp and other PMCs that undermined the long-term objectives.
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