

Modern Mercenaries: Threat or Savior?

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Recent years have seen a dramatic rise in the use of private security contractors (PSCs) in military engagements around the world. In particular, contractors played a significant role in the U.S. operations in Iraq and Afghanistan, to the extent that contractors occasionally exceeded the number of military troops deployed to the two regions. This study hypothesizes that the increased use of PSCs in the Iraq and Afghanistan wars resulted in an increased intensity of conflict. To evaluate this hypothesis, a multivariate regression was conducted, with number of contractors and contract expenditures included as measures of the independent variable, and a basket measure of military fatalities, number of wounded in action, contractor casualties, and civilian fatalities serving as the dependent variable measures. Ultimately, while the Iraq results were consistent with the initial hypothesis, indicating that there was a significant positive correlation between number of contractors and intensity of conflict in Iraq, the insignificance of the Afghanistan data resulted in an inconclusive evaluation of the original proposal. This seems to imply that while PSCs can play a significant role in contributing to the intensity of conflict in military engagement, this characterization is not inherent to the use of PSCs.



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Introduction

The history of war has been a history of mercenaries. In fact, there is evidence to suggest that state-sanctioned violence has been far more the domain of private armies than that of governments.¹ It was not until the mid-19th century that the modern aversion to mercenaries emerged as a byproduct of the rapid spread of nationalism.² This moral repugnance when faced with the commodification of warfare persists to this day.

Consequentially, private armies in modern warfare are referred to not as mercenaries, but as private military contractors (PMCs). Their use extends to encompass almost every facet of the defense industry: from structuring supply chains to security for combat vehicles to prison enforcement. Nonetheless, governments, in particular the U.S. government, portray their use of security contractors as supplementary to their offensive operations, rather than as an actual part of the military force. Contractors are not soldiers; they are merely meant to serve as adjuncts to actual combat forces.³

Nevertheless, regardless of what it is called, the use of private military contractors remains a given in modern defense. PMCs now participate in humanitarian missions, wartime military engagements, peacetime operations, and other forms of security affairs worldwide. The trend within the defense industry has been towards increasing privatization instead of away from it, particularly in the United States and Britain. These two countries account for over 70% of the world's market for PMC services.⁴ In 2011 alone, the Department of Defense (DOD) hired approximately 710,000 contractor full time equivalents (FTEs). This is compared to the DOD's civilian workforce of 807,000 FTEs.⁵ From 2001 and 2011, "dollars obligated to contract awards

¹Weber, M. (1965). *Politics as a vocation*. Philadelphia, Penna: Fortress Press.

²Percy, S. (2007). *Mercenaries, the history of a norm in international relations*. Oxford University Press.

³Isenberg, D. (2012, April 21). We're not mercenaries. oh, dear. *The Huffington Post*.

⁴Private military corporations. In (2013). *Center for Media and Democracy*.

⁵United States. (2013). Human capital: Additional steps needed to help determine the right size and composition of DOD's total workforce : report to congressional committees.

by DoD more than doubled, and contract spending outpaced growth in other DoD outlays.”⁶ In fact, contract expenses in the Department of Defense in 2012 “comprised approximately 52% of total DOD obligations, exceeded the federal contract expenses of all other government agencies combined, and equaled 10% of the total federal budget.”⁷ These figures include both the United States normal peacetime expense expenditures, such as weapons manufacturing, and contractual obligations in regards to active military engagement.⁸

In fact, private military contractors have compromised a fundamental part of the United States’ wartime activity within Iraq and Afghanistan. Contract personnel have accounted for 50% or more of the total military force in both countries. As of June 2013, approximately 108,000 contractor personnel were engaged in Afghanistan, far surpassing the 65,700 American troops stationed in the region.⁹ Operations within the two countries account for “approximately 60% of all contract obligations (\$26 billion) for work performed outside of the United States.”¹⁰ Employees from firms such as Blackwater (now know as Academi), Titan, and CACI worked alongside military troops and other government personnel, hired by governments to execute public security policy.

Furthermore, these hundreds of thousands of contract personnel were hired despite the lack of structural oversight within the military. In 2013, the Government Accountability went so far as to place DOD Contract Management on its High Risk list, stating that “at times, the lack of an adequate number of trained acquisition and contract oversight personnel, the use of ill-suited contracting arrangements, and the absence of a strategic approach for acquiring services placed DOD at risk of not getting needed goods and services in a timely manner or potentially paying more

⁶ Ellman, J., R. Liverood, David Morrow, and G. Sanders. "Defense contract trends: US Department of Defense contract spending and supporting industrial base." *Washington, DC: Center for Strategic & International Studies* (2011).

⁷ Schwartz, M., Swain, J., & Library of Congress. (2011). Department of Defense trends in overseas contract obligations. Washington, DC: Congressional Research Service, Library of Congress.

⁸ Incidentally, while this section of the paper conflates civilian contractors with civilian combatants in an effort to discuss the effects of the overall privatization of defense. While the paper will alter focus specifically on private security contractors (see definition in methodology), the overarching implications of general contractor use in the military as well as the inability to separate the data used in this section between civilian contractors and civilian combatants means that for the purposes of the introduction, the paper takes a much broader view of contractor than it will later in the analysis.

⁹ Francis, D. (2013, June 5). What are 108,000 military contractors still doing in afghanistan?. *Business Insider*. Retrieved from <http://www.businessinsider.com/108000-contractors-are-in-afghanistan-2013-6>

¹⁰ Schwartz, M., Swain, J., & Library of Congress. (2011). Department of Defense trends in overseas contract obligations. Washington, DC: Congressional Research Service, Library of Congress.

than necessary.”¹¹ Moreover, the Department of Defense has since acknowledged that operations in Afghanistan and Iraq were ill-prepared for the use of contractors, with Secretary of Defense Robert Gates going so far as to state that the use of contractors occurred “without any supervision or without any coherent strategy on how we were going to do it and without conscious decisions about what we will allow contractors to do and what we won’t allow contractors to do... We have not thought holistically or coherently about our use of contractors, particularly when it comes to combat environments or combat training.”¹² Or, as David Francis of *The Fiscal Times* so aptly put it, the “Pentagon Has No Idea What 108,000 Contractors Are Doing.”¹³ This lack of preparation in regards to PMCs not only undermined the credibility and effectiveness of the military, it also allowed for billions of dollars to be lost as waste and fraud.¹⁴ The cost for stolen equipment ranged well into the tens of millions, and instances of government officials as well as contract personnel soliciting bribes and extorting protection payments rife.¹⁵

Ultimately, the issue surrounding PMCs remains one of accountability. International law surrounding the conduct of private military firms remains ambiguous, and nations seem either hesitant or unable to regulate the behavior of contractor personnel, something alluded to well before the Iraq invasion by military personnel.¹⁶ As a result, private military contractors have featured in multiple controversies in Iraq and Afghanistan. Following the well-documented cases of abuse in the Abu Ghraib prison, more than 250 Iraqis brought a lawsuit against the private military firms CACI International and Titan Corporation (now know as L-3 services), alleging that the two companies were negligent in hiring employees that engaged in torturing the former prisoners.¹⁷

¹¹ Series, H. R. (2001). *An Update* (p. 3). GAO-01-263, Washington, DC: US General Accounting Office.

¹² Schwartz, M., Church, J., & Library of Congress. (2013). Department of Defense's use of contractors to support military operations: Background, analysis, and issues for Congress.

¹³ Francis, D. (2013, June 3). Pentagon has no idea what 108,000 contractors are doing. *The Fiscal Times*. Retrieved from <http://www.thefiscaltimes.com/Articles/2013/06/03/Pentagon-Has-No-Idea-What-108K-Contractors-Are-Doing>

¹⁴ Schwartz, M., Church, J., & Library of Congress. (2013). Department of Defense's use of contractors to support military operations: Background, analysis, and issues for Congress.

¹⁵ Schwartz, M., & Library of Congress. (2011). *Wartime contracting in Afghanistan: Analysis and issues for Congress*. Washington, D.C.: Congressional Research Service.

¹⁶ Associated press. (2004, May 07). Army chief warned about military contractors. *Fox News*.

¹⁷ *Center for Constitutional Rights*. 2011. “Saleh et al v. Titan et al.” <http://ccrjustice.org/Saleh-v-Titan> (December 16, 2013).

The courts eventually ruled that both CACI International and Titan Corporation were protected under derivative absolute immunity.¹⁸

Yet another firm, Blackwater, (now known as Academi), became the center of controversy when its security personnel shot and killed 17 Iraqi civilians. Of these 17, an FBI investigation found that 14 of the shootings violated deadly force rules for security contractors.¹⁹ Again, all charges of manslaughter were dismissed under the premise of government contractor immunity. In regards to both cases, within the structure of the military itself, little seems to have been done to address the incidents that occurred and to examine process by which the firms hire employees.²⁰ The human rights organization, Amnesty International, along with UNROW, is aware of at least 24 cases of detainee abuse that have been brought to the attention of the Eastern District of Virginia, of which 22 were dismissed.²¹

This explosion of contracting private military firms is not limited to the United States, and neither are such controversies. PMCs are being used in regions like Asia and Africa, and in countries like Colombia and Sri Lanka. Furthermore, these firms are not being limited to warfare activities or supplementary operations, but are also being used to combat more ill defined threats, such as drug trafficking in South America.²² Historically, private firms have also been associated with other secretive operations, such as the Iran/Contra scandal or military coups in countries like Chile.²³

¹⁸ "Derivative absolute immunity states that "[g]overnment employees are generally immune from suit when they perform "discretionary" (as opposed to ministerial) functions within the scope of their employment, and the court finds that the contributions of immunity to "effective government" within the particular context would outweigh the potential harm to individual citizens that might result from the employee's being immune from suit." Chu, Vivian S, and Kate M. Manuel. 2011. "Tort Suits Against Federal Contractors: An Overview of the Legal Issues." *Congressional Research Service*. 27 April. <http://www.fas.org/sgp/crs/misc/R41755.pdf> (December 16, 2013).

¹⁹ Johnston, D., & Broder, J. M. (2007, November 14). F.B.I says guards killed 14 Iraqis without cause. *The New York Times*.

²⁰ Case profile: Abu ghraib lawsuits against caci, titan (now l-3). In (2013). *Business & Human Rights Resource Center*. Retrieved from <http://www.business-humanrights.org/Categories/Lawlawsuits/Lawsuitsregulatoryaction/LawsuitsSelectedcases/AbuGhraiblawsuitsagainstCACITitanowL-3>

²¹ Goering, C. (2009, July 28). Letter to attorney general eric holder. *Amnesty International*.

²² Brancoli, F. (2010). A new security dilemma: Plan colombia and the use of private military companies in south america. *The London School of Economics and Political Science*.

²³ Geneva Centre for the Democratic Control of Armed Forces. (2005). *Privatising security: Law, practice and governance of private military and security companies*. Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF).

Even now, security firms are being implicated in the current Syrian crisis.²⁴ In sum, “private contractors go where the Pentagon would prefer not to be seen.”²⁵

This is not to unilaterally make the claim that the use of PMCs has had a detrimental effect on military operations worldwide. PMCs have been an integral part of many humanitarian and peacekeeping missions, and are an essential part of maintaining economic and functional efficiency within a national military structure. Rather, the above statistics are meant to highlight the dangers that can occur when governments use security contractors to avoid public accountability for military action without proper regulation, resulting in the aforementioned instances of misconduct. Employing PMCs serves as an effective way to evade public accountability when engaging in controversial military maneuvers. It allows political leaders to “reduce the need to involve both parliament and public in foreign policy” and makes it “easier for political leaders to take states to war.”²⁶

This paper will examine the relationship between the use of private security contractors in Iraq and Afghanistan and the intensity of conflict in both regions. It will seek to answer the question of whether PMCs help deter war, or perpetuate conflict. In conducting a statistical analysis of the relationship between PMC use and indicators of intensity of conflict (see below) this paper will determine whether or not an rise in the presence of contractors and contract expenditures in the two wars led to an increase in casualties through the region. This will be examined by conducting a multivariate linear regression of the two variables.

Ultimately, this paper hopes to extrapolate from the regression results the implications the use of PMCs in Iraq and Afghanistan has for how the privatization of war affects the results of military engagement at its most basic level: casualties. That is, when it comes down to it, do PMCs

²⁴ Kelley, M. (2012, March 20). Hacked stratfor emails: The us government sent blackwater veteran to fight with rebels in libya and syria. *Business insider*.

²⁵ Geneva Centre for the Democratic Control of Armed Forces. (2005). *Privatising security: Law, practice and governance of private military and security companies*. Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF).

²⁶ Geneva Centre for the Democratic Control of Armed Forces. (2005). *Privatising security: Law, practice and governance of private military and security companies*. Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF).

mean more death in war? Likewise, what are the implications of privatization of security in general? Privatization of security may transform peace into a commoditized good belonging to the highest bidder. It may allow for a means to limit the extent of war and destruction, as peace becomes a profitable enterprise. Privatization may have a negligible effect on the willingness and abilities of nation states of conduct war. The answer notwithstanding, a statistical analysis of the relationship between the two factors will have significant implications on both the conversation surrounding PMC use in academia and in the media, as well as for currently policy dictating the management of private military contractor use.

Literature Review

The rising use of private non-state actors in military affairs has resulted in an onslaught of work. Much of this literature surrounds the potential repercussions of the use of privatized military actors. So much has been written about the use of private military firms (PMFs), that one writer, Kevin O'Brien, was prompted to claim that more has been written about the use of PMFs than any other security concern post-Cold War, both by the media and by scholars.²⁷ Discussion of the use of private military companies centers around the contention of whether the use of PMFs can be categorized as the privatization of peace or as the privatization of conflict. That is to say, as one author so aptly puts it, are private military corporations dogs of war or are they peacekeepers?²⁸

Authors within the literature range from viewing the privatization of the military as the natural result of capitalism and useful for states that are now seeing conflict defined not by other states, but by independent actors, to those who see private military firms as corporations who help perpetuate conflict for their own profit. The vast expanse of work surrounding the use of private

²⁷ O'Brien, K. A. (February 01, 2000). PMCs, myths and mercenaries: The debate on private military companies. *The Rusi Journal*, 145, 1, 59.

²⁸ Cook, Tanya. (2002). Dogs of war or tomorrow's peacekeepers?: the role of mercenaries in the future management of conflict. ePublications@bond.

military firms (PMFs) divides into three separate areas. The first, the “**Do More Good Than Harm**”²⁹ approach, views private military firms as a potential for peacekeeping and stability, and in particular views PMFs as a force for mitigating conflict and maintaining stability.³⁰ The second view, the “**Threat**” approach, takes the opposite view, regarding PMFs as contributing to conflict and instability in terms of international security. The third view, what I refer to as the **Bit Player** approach, merely views private military firms as instruments for use by larger players, namely states and international organizations like the U.N., and finds that private military firms themselves have no influence on variances in conflict.

In examining these three schools, I will attempt to highlight the underlying predominant interpretations of the use of PMFs, while drawing attention to the variety of issues that make approaching the relationship between the use of private non state actors and conflict difficult to discuss. This includes, but is not limited to, defining common terms, establishing boundaries in conceptualization of PMF use, delineating consensus that are taken for granted in the literature, and determining the temporal context which is being discussed. Ultimately, this section will draw on these schools of thoughts to establish the parameters by which the research below was conducted. Ultimately, such research would hope to garner empirical evidence through statistical analysis in an effort to determine which consensus of thought can be best accounted for statistically. Such research will be vital in providing empirical and statistical support to a dialogue that is sorely lacking in data based research.

Moreover, as this paper will examine the relationship between PMF and intensity of conflict, this section will first look to examine the literature surrounding the contributing factors to intensity in war and conflict. This will provide a contextual knowledge of the existing discussion of intensity

²⁹ Adapted from Olonisakin, F. (January 01, 1998). MERCENARIES FILL THE VACUUM. *The World Today*, 54, 6, 147.

³⁰ For the purposes of efficiency, this paper will treat works that look at the perpetuation of conflict and works that examine the effect on instability as within the same area of consensus. While conflict and instability are *not* the same, this paper seeks to primarily determine authors' predilection for sorting PMFs as forces for good or forces for bad. While this categorization can seem excessively basic, it is essential for determining where consensus within the literature lie, and eventually for establishing set terms to define the variables within the context of larger research. The current lack of common terms within the literatures makes it difficult to categorize previous work based on more specific requirements.

of conflict in general, and how the analysis that will be conducted further on in the paper will fit in to such a discussion. This first section will underscore the different categories by which causes of conflict can be organized and examine how these causes interact with each other in the literature. Following this, the section will elucidate the three main interpretations of the use of PMFs and their relationship with intensity of conflict. It will also underscore the variety of approaches that exist within these three schools, as well as the potential criticism that can be levied against them. It will then examine factors that complicate and distort these three areas of thought, and which in general complicate the discussion of the use of PMFs. The section will also indicate areas where the discussion overall is lacking, with the hopes of determining both which school of thought holds the most potential merit for explaining the relationship between private military actors and conflict and instability and what needs to be done to supplement such discussions.

General Causes of Intensity in Conflict

There are virtually innumerable explanations offered for causes or perpetrators of conflict. They range from the highly specific traits of individuals, such as gender, to all encompassing theories of state political structure or economic distribution.³¹ While the sheer multitude of propositions regarding conflict perpetuation makes it difficult to narrow them down into overarching categories, in general, factors proposed as causes or aggravators of instability in conflict can be broadly separated into the following categories: Political and institutional factors, socioeconomic factors, and resource and environmental factors.³² In addition to these three major categories, some areas of thought can be categorized into two minor categories: what I refer to as the “Human Element” and “Fringe Factors”.

³¹ Gary, B. (2013). “Young Men and the Construction of Masculinity in Sub-Saharan Africa: Implications for HIV/AIDS, Conflict, and Violence.” *Social Development Papers: Conflict Prevention & Reconstruction*. June.; Cockburn, C. (1999.) “Gender, Armed Conflict and Political Violence.” *Citeseer*.; Rummel, R.J. “Cause and Conditions of International Conflict and War.” *Understanding Conflict and War: War, Power, Peace*. <http://www.mega.nu/ampp/rummel/wpp.chap16.htm> (December 16, 2013).

; Moser, Caroline ON, and Fiona Clark, eds. *Victims, perpetrators or actors?: Gender, armed conflict and political violence*. Palgrave Macmillan, 2001.

³² “The Causes of Conflict” *GSDRC*. <http://www.gsdrc.org/index.cfm?objectid=3131970C-14C2-620A-27D76FE6C7549390> (December 16, 2013).

Works that fall under the heading of political and institutional factors focuses on the role the state, institutions, and major political actors play in perpetuating conflict.³³ They also may address more abstract theoretical implications, such as power struggles, the social contract, and identity politics.³⁴ More common factors proposed in this school include corruption and lack of transparency in regimes, the inefficiency of weak political institutions, power struggles between political groups, and adherence to the rule of law.³⁵ Also important is the perception of status by actors, as relative status, whether between individual actors or states, can help perpetuate conflict as gaps in powers and prestige affect actors' estimates of their potential success in in conflict.³⁶ In particular, articles that belong to the political and institutional factors area of thought concentrate on power struggles between actors and inefficient execution of political institutions as the major centers of perpetuating conflict. While they discuss abstract theoretical notions, such as whether or not being a democracy makes conflict less likely or the role civic and political engagement may play in conflict, these theories are often framed in relation to the execution of the previously mentioned factors. As an additional note, because political factors often relate to in-state actors and institutions within a state, works that fall under this category tend to focus on the internal factors within an area that contribute to conflict.³⁷

Socioeconomic factors center around the following areas: inequality and poverty.³⁸ The two are often considered simultaneously in examining how the marginalization of poverty stricken individuals within a community due to inequality and the consequent lack of social cohesion may aggravate existing conflict or in and of itself contribute to appearance of conflict.³⁹ In particular, an emphasis is placed on the imbalances in relationships or status between the parties, and on how

³³ Ibid; Annan, Kofi. "The causes of conflict and the promotion of durable peace and sustainable development in Africa." *African Renaissance* 1 (2004): 9-43.; Stewart, Frances. "Root causes of violent conflict in developing countries." *BMJ: British Medical Journal* 324, no. 7333 (2002): 342.

³⁴ Van Evera, Stephen. *Causes of war: Power and the roots of conflict*. Cornell University Press, 2013.; See *supra* at 31.

³⁵ Le Billon, Philippe. "Buying peace or fuelling war: the role of corruption in armed conflicts." *Journal of International Development* 15, no. 4 (2003): 413-426.; See *supra* at 31, 33.

³⁶ See *supra* at 31.

³⁷ See *supra* at 33

³⁸ Ibid.

³⁹ Ibid.

income inequality may intensify these imbalances.⁴⁰ Other important factors that are often considered but with significantly less frequency than poverty and inequality include the effect potential profit gain has on exacerbating conflict (e.g. the arms trade), sociocultural dissimilarities, such as religion, dehumanization, and even reason and emotion.⁴¹ The effect of economic factors on the individual may also persuade actors to perpetuate conflict, such as high unemployment, incentives to fight, and economic stagnation.

The final major area of thought refers to resource and environmental factors. Authors within this school focus on how greed and scarcity of resources perpetuate conflict, although other proposals also fall under this category, such as resource exploitation or even temperature effects.⁴² More specifically, resource and environmental factors in more recent years have coalesced around the effects of climate change, distribution of natural resources use, and food insecurity.⁴³ Authors who focus on climate change tend to encompass the other two factors, warning that issues such as increased droughts and their effect on food production could lead to a rise in violence around the world.⁴⁴ Studies that examine the direct relationship between heat and violence and aggression also postulate that rising temperatures as the result of climate change may affect intensity of conflict as well.⁴⁵ In regards to distribution of natural resources use, while multiple authors address the issue, they differ in regards to what specific natural resources may be a factor in conflict intensity; some suggest that while oil, minerals, and drugs may be casually

⁴⁰ See *supra* at 31.; Kriner, Douglas L., and Francis X. Shen. *The casualty gap: The causes and consequences of American wartime inequalities*. Oxford University Press, 2010.

⁴¹ Sherwin, Ronald G. "Controlling instability and conflict through arms transfers: Testing a policy assumption." *International Interactions* 10, no. 1 (1983): 65-99.; See *supra* at 31, 33.

⁴² Le Billon, Philippe. *Fuelling War: Natural resources and armed conflict*. Routledge for the International Institute for Strategic Studies, London, 2005.

⁴³ Reuveny, Rafael. "Climate change-induced migration and violent conflict." *Political Geography* 26, no. 6 (2007): 656-673.; Ross, Michael L. "How do natural resources influence civil war? Evidence from thirteen cases." *International organization* (2004): 35-67.

⁴⁴ See *supra* at 43.

⁴⁵ It is, however, important to note that studies that claim to link temperature with temper also fail to account adequately for possible confounding or mitigating factors.

linked, agricultural commodities are not, while others emphasize food and water as predominant casual factors.⁴⁶ This may also be extended to encompass food insecurity.⁴⁷

In addition to these three major categories, some areas of thought can be categorized into two minor categories: what I refer to as the “Human Element” and “Fringe Factors”. While these two minor categories can be classified under the previously mentioned major areas of consensus, I have chosen to highlight them here in an effort to emphasize both the high frequency in which they are discussed as aggravators of conflict as well as identify the more ambiguous role “human nature” or “wild cards” may play in regards to these factors. So while aspects that fall under the “Human Element” category, such as public opinion and response, race and ethnicity, and nationalism, can be included under political and socioeconomic factors, the particular role perception and identity classification play in these factors is important to note.⁴⁸ Exceptionally important to note is the role historical tensions play in intensifying and destabilizing conflict. For example, the historical legacy of imperialist Japan and the memory of their invasion of China play a major role in perpetuating the conflict around the Senkakau/Diaoyu Islands.⁴⁹

Fringe factors are often difficult to prove, and they range in frequency mentioned, but they are worth noting, as they constitute a part of the discussion surrounding intensity of conflict, and their existence emphasizes the difficulty in identifying and isolating aggravating variables of conflict. These factors range from those who emphasize the role medical treatment or modernization has in intensifying conflict, to the effect human instinct and even lying may have.⁵⁰ While these factors lack the scrutiny of the other categories, they do still merit consideration.

It is important to point out that factors are not exclusive to a particular category, nor do they exist solely independent of all other factors. The various causes proposed within this literature

⁴⁶ See *supra* at 43.

⁴⁷Hendrix, C. S., & Brinkman, H. J. (2013). Food Insecurity and Conflict Dynamics: Causal Linkages and Complex Feedbacks. *Stability: International Journal of Security & Development*, 2(2).

⁴⁸ See *supra* at 40.

⁴⁹ See *supra* at 34, 43.

⁵⁰ See *supra* at 34.

often are proposed in conjunction with each other, and the majority of authors note that it is the combination of these factors in relation to the specific situation of a given area that ultimately increases intensity of conflict.⁵¹ This literature also benefits from being the center of a vast and varied discussion, but while there is a wide range of data analysis in addition to theoretical and anecdotal explorations of the causes and perpetrators of conflict, there is a noticeable lack of consistency throughout these schools of thoughts. (One needs only to look at the above disagreement over the effect agricultural commodity scarcity has on conflict to see an example of this.) While disagreements are expected in academics, there is also some matter of consistency necessary between researches to allow for conclusions to be drawn. Within this literature, the vast categorizations of conflict are particularly damaging. For instance, if one defines a conflict as an ethnic conflict, do ethnic ties inherently affect that conflict? Is ethnic tension a factor or an effect or both?⁵² This type of ambiguity makes it difficult to account for the potential existence of a feedback cycle when looking at perpetrators of conflict. On a more minor note, there is often little statistical work done to examine the cross correlation between variables. While most authors take for granted that the above factors simultaneously affect intensity of conflict, more statistical work should be done to examine the simultaneous effect of these factors.

“Do More Good Than Harm”

The “Do More Good Than Harm” approach to the use of PMFs has two main elements: First, it has an exclusive view of PMFs that is dependent on the organization of a PMF as a corporation. Second, it regards private military firms as forces that deter conflict, rather than perpetuate it. PMFs, in this approach, contribute to maintaining stability in the global arena, play a vital role in curtailing violence, are more effective at approaching new forms of transnational threats, and can transform the current approach to humanitarian intervention.

⁵¹ See *supra* at 33

⁵² See *supra* at 33

Defining a PMF as independent of other oft-used terms in the private military discussion is a *vital* component of this approach to the literature. (This differentiates from other approaches, which may contain articles that independently emphasize the definition of PMF as essential to understanding their argument, but as a whole vary in their incorporation of what makes up a private military firm). Most importantly to this argument, PMFs (or private military corporations, PMCs) *are not* mercenaries. Instead, PMCs are defined by their corporate organization style; they are organized as a business, not as a fighting unit. They are comprised of executives, a board of directors, and shareholders, who have the “right to demand a degree of business transparency.”⁵³ They are governed by contractual obligation to their clients, and they are rewarded or punished based on the quality of their work. Also essential to this definition of a PMC is the function of reputation in governing the antics of a private military corporation. PMCs require respectability in order to attract clients; thus they are more likely to adhere to international conventions of conduct. At the heart of this definition though, is the knowledge that PMCs are first and foremost businesses; thereby they function in pursuit of profit, albeit supplemented by the dictations of a government contract.⁵⁴ (PMCs are also typically distinguished from Private (Commercial) Security Companies (PCSC), in that they are engaged “in military operations across the spectrum of conflict,” while PCSCs refuse this type of work in favor of more supplementary administrative roles.⁵⁵)

The other foundational aspect of the “Do More Good Than Harm” approach refers to its assumption that PMFs are a positive force for peace and stability, rather than for conflict.⁵⁶ Although authors tend to vary in the types of engagement they discuss, adherents of this approach tend to focus on stabilization of weak or failed states, as well as engagements in peacekeeping and humanitarian intervention. They do not focus, in particular as the “Bit Player” approach does, on

⁵³ Jefferies, I. D. (2002). Private Military Companies—A positive role to play in today’s international system. *The Quarterly Journal*, 4, 107.

⁵⁴ Ibid.; Smith, E. B. (2002). *The New Condottieri and US Policy the Privatization of Conflict and Its Implications*. ARMY WAR COLL CARLISLE BARRACKS PA, 2.; O’Brien, *supra* at 62.; Brooks, D. (2000). Messiahs or mercenaries? The future of international private military services. *International Peacekeeping*, 7(4), 130.;

⁵⁵ Smith, *supra* at 2.

⁵⁶ Jefferies, *supra* at 104.

the use of PMCs as supplemental to the existing military of an established state. As a whole, however, authors that fall into this school believe that private military forces can be used to restore order, reduce human suffering, increase control over conflict, and supplant non-existent or inefficient peacekeeping operations. For many, but not all of these scholars, this view is derived from a belief that coercion and force are more effective at ending conflicts than other methods.⁵⁷ Some scholars also speak to the use of PMCs in dealing with ill-defined transnational threats such as terrorism, but this line is more associated with the “Bit Player” approach.⁵⁸ Variations in this approach differ in regards to whether PMCs constitute the best option for dealing with these threats, and that in their absence instability will only increase⁵⁹ or if they are merely a positive force, but not the *defining* positive force.⁶⁰ Other major points of variance include the necessity for regulation and accountability. Some scholars view mechanisms of regulation as essential to the effectiveness of PMCs; others view these as a concern not in terms of PMC functionality, but in cohesion with its larger contracting unit.⁶¹

This school of thought is first and foremost limiting in its explicit requirements for what constitutes a PMC. In fact, its refusal to associate PMCs with mercenaries or other branches of security corporations gives it a much a narrower approach to PMCs effect on stability and conflict, because it dismisses functionality in favor of organization. That is to say, this school of thought dismisses organizations that may lack the legitimacy or organizational capacity of PMCs, but provide the same services. Furthermore, in also dismissing all association with mercenaries, this interpretation eliminates the need to examine perhaps more unsavory aspects of private military actors, and thereby guides itself to a more positive approach. By assuming a definition of PMC that requires a specific structural organization, adherents of this school of thought fail to consider a whole spectrum of private military organizations that function outside of the traditional business

⁵⁷ Brooks, *supra* at 130.; Jeffries, *supra* at 103; Shearer, D. (1998). Outsourcing war. *Foreign Policy*, 75.

⁵⁸ Smith, *supra* at 13.

⁵⁹ Brooks, *supra* at 130.

⁶⁰ See *supra* at note 32.

⁶¹ Bures, O. (January 01, 2005). Private military companies: A second best peacekeeping option?. *International Peacekeeping*, 12, 4, 532.

model structure. In doing so, they remove entire regions from the equation, such as parts of Africa, where privatized organizations contribute greatly to conflict in the area, but fail to qualify for the stringent requirements of a “Do More Good Than Harm” PMC. In lacking the consideration of these organizations, “Do More Good Than Harm” adherents dismiss relevant data that has serious implications for their considerations, and, in doing so, establishes precedents based on evidence that is incompletely formed.

Threat Approach

The Threat approach to private military corporations hinges on its title: namely, that PMCs provide a real and serious threat to stability and conflict resolution. The discrepancies in this section will highlight a major issue for establishing consensus and for effectively researching questions of conflict and stability in general. Namely, how do you define conflict and instability, and additionally, how do you establishment parameters for measuring these abstract notions? By examining a variety of factors that authors suggest have a “destabilizing” effect, we are able to see the far ranging justifications for labeling PMCs as forces of instability and conflict.

An additional important note on scholars in this section. Authors that fall into the threat approach category tend to have very broad definitions of what constitutes a private military firm. Unlike the “Do More Harm Than Good” approach, many scholars regularly exchange the term mercenaries for PMCs, and they tend to view these firms not by organization but by functionality. Thus an organization that provides the services of a “Do More Harm Than Good” PMC without its business structure can still constitute a PMC under this category. Some authors that bridge into this category establish their own parameters for what constitutes a PMC,⁶² others are vague and unspecific.⁶³

⁶² Singer, P. W. (2006). Corporate warriors: The rise of the privatized military industry and its ramifications for international security.

⁶³ DB, D. (2011). The threat of private military companies. *Global Research*.

Nevertheless, scholars in this approach do agree on one important fact: private military firms do far more to contribute to conflict than they do to mitigate it. How they contribute to such conflict and instability varies from author to author. In general, these authors can be separated into those who see PMCs as eroding the capacity of public institutions to ensure order,⁶⁴ those who see PMCs as profit seeking at all costs, to the extent that they would prolong conflict for their own benefit,⁶⁵ those who see PMCs contributing to a global fracturing of the state monopoly on violence,⁶⁶ and those who believe that the lack of accountability that governs PMCs is a large enough concern to undermine the entire PMC operation. Oftentimes, authors will present two or more of these concerns as justification for labeling PMCs a threat.

Those who focus on the erosion of public institutions regard the use of PMCs as a shift in civil military relations, and believe that political leaders use PMCs as a way to bypass public oversight in order to take states to war. Furthermore, weak states that rely on PMCs to supplement their own military forces, thereby stabilizing their power, may be less inclined “to (re)build an effective state administration.”⁶⁷ Additional concerns in this area include the inability of PMCs to provide “locally driven solutions.” Also, reliance on PMCs may divert states from pursuing international coalitions in favor of using PMCs for conflict resolution. In this manner, PMCs undermine the stability of governments.⁶⁸

As for those who see PMCs contributing to a global fracturing of the state monopoly on violence, their concerns tend to center around the emerging trend of non-state actors engaging in conflict. PMFs, in their line of thought, contribute to an environment in which warfare could be

⁶⁴ Mbogo, S. (2000). Mercenaries? No, PMCs. *West African Magazine*, 18. ; Oliver , P. (2011, April 11). The endemic problem of overreliance on private military contracting . *PolicyMic*. Retrieved from <http://www.policymic.com/articles/172/the-endemic-problem-of-overreliance-on-private-military-contracting>

⁶⁵ Akcinaroglu, S., & Radziszewski, E. (2012). Private Military Companies, Opportunities, and Termination of Civil Wars in Africa. *Journal of Conflict Resolution.*; Howe, H. (1998). *Global Order and Security Privatization* (No. 140). NATIONAL DEFENSE UNIV WASHINGTON DC INST FOR NATIONAL STRATEGIC STUDIES.

⁶⁶ Avant, D. (2006). The implications of marketized security for IR theory: The democratic peace, late state building, and the nature and frequency of conflict. *Perspectives on Politics*, 4(3), 507.

⁶⁷ Geneva Centre for the Democratic Control of Armed Forces. (2005). *Privatising security: Law, practice and governance of private military and security companies*. Geneva: Geneva Centre for the Democratic Control of Armed Forces (DCAF).

⁶⁸ Ebo, A. (2007). Non-state Actors, Peacebuilding and Security Governance in West Africa: Beyond Commercialisation. *Journal of Peacebuilding & Development*, 3(2), 53-69.; Macias, A. (n.d.). Privatization of security: a strategy for peace or war?, 7.

carried out by non-state military organizations. In their view, as more “non-state actors take advantage of market options for security, the oft-assumed collective monopoly of states over violence should suffer a blow. Tracing the logic of arguments about the likelihood of conflict without the assumed prominence of states should lead one to expect the chance for conflict will grow but also that the purposes for which people and groups use violence will change.”⁷⁰ Adherents of this claim believe that the market allows non-state actors more opportunities to exert influence in regards to security, and thereby exert more power over the control the force. This diminishes the control the state has over such force.

As a brief interjection, although Peter Singer generally falls into the Bit Player approach below, it is worth noting that he has increasingly taken a pessimistic view of the use of PMCs, which he categorizes as “an addiction that is quickly spiraling to a breakdown.”⁷¹ While he does not seem to think that PMCs inherently pose a threat to conflict resolution and stability, he does seem to be of the impression that the combination of increasing use, poor regulation and accountability, and the erosion of public oversight that PMCs contribute to may in fact increase the likelihood of war.⁷²

In addition to the general criticism that will be discussed below of the literature surrounding PMCs as a whole, the “Threat” approach specifically suffers from the rather large role speculation plays in dictating these scholars’ conclusions. While these scholars do look to established IR theory and anecdotal evidence of PMC abuse to bolster their claims, there is a systematic lack of data analysis that underscores the PMC discussion in general.⁷³ This is particularly damaging to the Threat approach school of thought, as they tend to focus more on the future expression of a trend in security, as opposed to the other two approaches, which are able to point to current conditions as evidence of their views.

⁷⁰ Avant, *supra* at 507.

⁷¹ Singer, P. W. (2007). *Can't Win with 'em, Can't go to War without 'em: Private Military Contractors and Counterinsurgency*. Washington, DC: Brookings Institution.

⁷² *Ibid.*

⁷³ See *supra* note 42, 47.

Bit Player Approach

The Bit Player approach, the name of which is derived from Thomas Adams's "Small Wars & Insurgencies", view PMCs, despite their growing use, as merely "bit players in the general trend towards privatization of social and economic activity."⁷⁴ In short, scholars of this interpretation view PMCs as merely instruments of state military strategy, and are wary of the notion that the use of PMCs in and of itself has an impact on conflict and stability. Instead, adherents tend to claim that the ill effects of PMC use are not the inherent result of PMCs, but rather the consequence of inefficient mechanism for ensuring regulation, transparency, and accountability.⁷⁵

This school of thought falls along the line that PMCs fit or fill a foreign policy need, so long as they are regulated.⁷⁶ Because these scholars view PMCs as an instrument of already existing determiners of military policy, they often approach the question of PMCs impact in the form of a cost benefit analysis, whether explicitly, as Stanger and Williams do in "Private Military Corporations: Benefits and Costs of Outsourcing Security" or implicitly, as Peter Singer does in multiple works, e.g. "Outsourcing War."⁷⁷ Benefits tend to encompass financial savings, policy flexibility, greater agility, minimal casualties, and the ability to provide specialized support.⁷⁸ Costs include around reduced transparency and accountability, costs overruns, "loose cannon effects" (in which PMCs or PMCs employees disregard their contracting agencies and act independently) and military preparedness.⁷⁹ It is these factors that ultimately determine whether PMCs have a net positive or negative approach on conflict and stability, as these factors affect the general functionality of the engaged security body as a whole, rather than the PMC itself.

Problems emerge from inefficient execution or regulation of PMC roles. For example, legislation dealing with PMCS which bypasses public and executive oversight can seemingly be

⁷⁴ Adams, T. K. (2002). Private Military Companies: Mercenaries for the 21st Century. *Small Wars and Insurgencies*, 13(2), 65.

⁷⁵ Kang, S. Private Security Companies: A Lack of Accountability.

⁷⁶ See *supra* note 27.

⁷⁷ See *supra* note 71.

⁷⁸ Neil, B. A., Neil, I. I., & Benjamin, A. (2013). Are Private Military Firms The Answer To The Expanding Global Crisis?. *International Business & Economics Research Journal (IBER)*, 10(2); Stanger, A., & Williams, M. E. (2006). Private Military Corporations: Benefits and Costs of Outsourcing Security. *Yale J. Int'l Aff.*, 2, 4.

⁷⁹ See *supra* note 46, 52.

mitigated by establishing an oversight mechanism.⁸⁰ The tendency for a state to become more isolationist, thereby destabilizing international coalitions, can be accounted for by working standards of PMC use into the existing international coalitions.⁸¹ (Although the contention that authority delegated to PMCs is authority not delegated to international institutions is faulty in its assumption that granting one power limits the authority of the other).

Ultimately, authors that fall into the Bit Player Approach recommend the establishment of various mechanisms to “safeguard against legitimate concerns” while still “utilizing their [PMCs] capabilities in appropriate situations as one of the weapons in the arsenal of peacekeeping.”⁸² They recognize the potential of PMCs to serve as both a positive and negative force in international stability, but tend to focus on regulation and accountability as issues that affect conflict and stability. To these scholars, it is not a question of whether or not to use PMCs, but how to use them. Despite this general consensus, nearly every scholar takes a different approach in suggesting how to implement such mechanisms, ranging from enforcing national jurisdiction over the hired firm, establishing international standards of regulation, apply extraterritoriality, or a variety of other approaches.⁸³

The major criticism to be levied against the Bit Player approach is that there is a lack of consensus or clarity as to whether the factors that constitute benefits and costs can actually be definitely labeled as such. For example, it is unclear whether or the use of private contractors has cut costs for the Department of Defense.⁸⁴ Being unable to definitely define the basic criteria for their evaluation of PMC use means that there is broad room for interpretation when examining data, and that such data can be manipulated to reflect the desired result.

Implications and Criticisms

⁸⁰ See *supra* note 46.

⁸¹ See *supra* note 37.

⁸² See *supra* note 25.

⁸³ See *supra* note 37, 46, 52.

⁸⁴ See *supra* note 11, 12.

It is important to first and foremost establish that these three schools of thoughts are not exclusive. Scholars can and often do move through two or even all three approaches when discussing PMC use. They may view the implications of PMC as changing dependent on what they are being engaged in, how they are being engaged, and especially how they are being regulated and managed. In fact, one major thread through all three schools of thought is the need for improved regulation and accountability mechanisms when dealing with private military firms. Regardless of their final opinion of PMCs, authors generally agree that first and foremost, these mechanisms must be put in place.

Along with the fluidity between these schools of thought, the criticisms that can be brought against them are in fact criticisms that must be levied against the literature as a whole. Far and away, the greatest reproach to be made of the discussion around the use of PMCs and their contribution to instability relates to the lack of consensus regarding what exactly constitutes a private military firm. While there is variation in defining PMFS, the vast range of what does and does not make up a PMF results in discrepancies between theories that can be explained simply by the exclusion of PMFs that do not adhere to the author's strict definition. Conversely, authors who take excessively broad categorizations of organizations as PMFs may in fact be looking at actors that vary wildly in organization and function, and assuming they have the same influence on the emergence of conflict and instability. Regardless, the simple fact that the three schools do not have a general sense of what a PMF is means that they are often talking about completely different corporations and actors, and consequently are *not* discussing the same topic.⁸⁵

An additional fundamental issue that plagues these three schools of thought centers on, essentially, the absence of any data analyses within the literature. Whether this is from a lack of data or an inability to access data, the fact remains that authors remain mainly dependent on theory and anecdotal support for their arguments. Dealing with these the data issue will have serious

⁸⁵ See *supra* note 29, 39, 41, 42, 43.

impacts on the broader research this paper will be incorporated into; as accessibility and availability of data are two basic components of empirically based research.

A final issue is seemingly minor, but is worth highlighting in view of the larger conception of PMF literature. It seems to be that, while it is of course vastly important to incorporate papers that precede 2003, papers preceding the emergence of the Iraq War seem to differ greatly from those that follow. In particular, papers that fall into the “Do More Good Than Harm” category tend to precede the Iraq War, while papers that were written during or after seem to have a more instrumental or negative few of PMCs.⁸⁶ This seems to suggest that the Iraq War was a turning point in the use of PMCs, and perhaps that the use of PMCs by the United States, a well-established state that serves as the dominant military power, and the issues that consequently arose has fundamentally changed the conversation about PMCs.

Nevertheless, despite all of these discrepancies, there remains a general consensus that the use of PMC is a growing and inevitable trend. Even those who warn against their use seem convinced of this fact. For this reason, and because of the rather dramatic gap a lack of data analysis leaves in the literature, conducting research that looks at statistical trends of conflict and instability amongst PMCs is essential to the conversation. Doing so will inform us of how to regulate and treat private military firms in the larger context, in an effort to deter conflict. Such research will require careful definitions of PMCs, conflict, stability, and other terms, as well as cautious consideration of measurements to represent these variables. It remains, however, vital to furthering our understanding of the use of private military corporations.

Methodology

⁸⁶ Under “Do More Good Than Harm”: see supra 25 (2000); supra 29, 30, (2002); supra 33 (1998). Under “Threat Approach”: see supra 39 (2011); supra 41 (2012); supra 42 (2006); supra 47 (2007). Under “Bit Player Approach”: see supra 53 (2006; 2013).

Definition of Private Security Contractor

As highlighted in the Schools of Thought section, the lack of consensus surrounding what constitutes a private security contractor make it difficult to compare and contrast competing narratives, as two researchers may, while on the service both appear to be discussing private military firms, may in reality be writing about completely different concepts. Thus, it is necessary to first and foremost establish a working definition for this paper.

Because this paper will rely heavily on data drawn from U.S. federal sources, and looks to examine the use of private security firms within the institution of the U.S. military, the operational definition should coincide with the definition used by the Department of Defense and databases that draw on federal government sources. For this reason, this paper will refer to private security functions as private security contractors, or PSC for short. This paper will rely on the definition of private security contractors as provided by Moshe Schwartz in the May 2011 Congressional Research Service Report, “The Department of Defense’s Use of Private Security Contractors in Afghanistan and Iraq: Background, Analysis, and Options for Congress”:

The National Defense Authorization Act for Fiscal Year 2008 (P.L. 110- 181 Sec. 864) defined private security functions as the guarding of personnel, facilities, or property, and any other activity for which contractors are required to be armed. Such a definition does not include unarmed personnel providing services directly related to security, such as coordinating the movements of PSCs throughout Afghanistan and Iraq. Many of the services provided by companies that consider themselves PSCs go beyond providing armed security. For the purposes of this report, the services provided by private security contractors can be divided into two major categories: armed services and unarmed services. Armed services include

- static (site) security—protecting fixed or static sites, such as housing areas, reconstruction work sites, or government buildings;
- convoy security—protecting convoys traveling through unsecured areas;
- security escorts—protecting individuals traveling in unsecured areas; and
- personal security details—providing full-time protective security to high-ranking individuals.

For some PSCs, unarmed services represent more than 50% of their total revenue.

Unarmed security services include:

- operational coordination—establishing and managing command, control, and communications operations centers;
- intelligence analysis—gathering information and developing threat analysis;
- hostage negotiations; and

- security training—providing training to domestic or international security forces.⁸⁷

Schwartz's definition of PSCs is firstly, and most importantly reliant on legislative bodies of work, and this is reliable as referable to policy. But it also extends the definition beyond the limitations of the National Defense Authorization Act's rhetoric to include the de facto manifestations of private security functions provided by unarmed contractors. As unarmed service contractors comprise a large portion of the number of contractors supporting U.S. operations in Afghanistan and Iraq, they are likely to have a large influence on the behavior and expression of conflict in the regions. For such reasons, Schwartz's definition is useful in that it encompasses the broad range of services that contractors provide to the Department of Defense, but it remains narrow enough to provide a distinct and unique character to these PSCs based on structure and functionality.

Hypothesis

This paper will attempt to evaluate the veracity of the following hypothesis: The use of Private Security Contractors (PSCs) in Iraq and Afghanistan has led to a greater instability of conflict in the two regions.⁸⁸ While the use of private security contractors extends far beyond the boundaries of interstate and intrastate warfare to areas such as territorial conflict between non-governmental bodies in Africa or paramilitary regulation in Columbia, by focusing specifically on the use of PSCs in the context of the Iraq and Afghanistan wars, the paper is afforded a major advantage in the following sense.

Focusing on the Iraq and Afghanistan wars eliminates the difficulty of navigating significantly more confounding variables in areas of chaotic political organization, such as in conflicts in sub-Saharan Africa. It allows us to examine the effect of PSCs in an institutionalized defense structure. In areas with weak political institutions, private security contractors are *more*

⁸⁷ Schwartz, M. (2011). *The Department of Defense's Use of Private Security Contractors in Afghanistan and Iraq: Background, Analysis, and Options for Congress*. Congressional Research Service.

⁸⁸ Private military firms are referred by a myriad of titles including, but not limited to, private military contractors, private military corporations, private security corporations, private security contractors, etc. Although this paper previously referred to contractors as PMCS, the more general, encompassing title for these corporations, from this point onwards the paper will assume the title PSC for contractors, as it is in line with the working definition established in the methodology, and presumes a narrower focus in the research.

likely to be subject to other factors that influence behavior, such as corruption, political groupings, etc.⁸⁹ Thus we can see the effects of PSCs on a system that is designed to minimize outwards influences on the use of violence.

In addition, there is significantly more data available in relation the Iraq and Afghanistan operation given that many of its major participants have militaries that are highly structured and institutionalized, account for data for their own records, are accountable to home governments, and have better methods of organization and record keepings than states with weaker political institutions may have. Thus, mainly for simplicity's sake, focusing on the use of PSCs in Iraq and Afghanistan provides us with more available data and resources with which to work.

Population

Following from this hypothesis, the population of this method consists of the 60+ nations involved in either Operation Enduring Freedom or the International Security Assistance Force (ISAF) in Afghanistan as well as the Multi-National Force in Iraq.⁹⁰ Note that there is significant overlap in participating nations in Iraq and Afghanistan Coalitions, leading to a total of approximately 75 potential states to be included in the population.

The population of this research could potentially be limited by several factors, including, but not limited to: (1) type of contribution to the effort, e.g. troops dispatched to Iraq or Afghanistan, monetary or weapons assistance, airspace access, etc., and (2) status as contributor or ally, (i.e. member of the Coalition of the Willing versus actual physical contribution to military campaign).⁹¹ However, given the broad capacity of private security corporations and their potential contributions to warfare, it is more appropriate to assume broader encompassing standards for our

⁸⁹ (1) States with strictly institutionalized defense structures also fall prey to outside influences, but in general, these kinds of states attempt to direct the control and focus of violence to themselves, as opposed to these other factors. (2) Intensity of conflict will refer to the intensity of combat as indicated by casualties.

⁹⁰Gerleman, D. J., Stevens, J. E., & Hildreth, S. A. (2001, October). Operation enduring freedom: Foreign pledges of military and intelligence support. LIBRARY OF CONGRESS WASHINGTON DC CONGRESSIONAL RESEARCH SERVICE; U.S. Central Command. (n.d.). *Coalition countries*. Retrieved from <http://www.centcom.mil/en/countries/coalition/>; US Dept of Defense, Office of the Secretary, & United States of America. (2002). International Contributions to the War Against Terrorism.

⁹¹Schifferes, Steve. "US says 'coalition of willing' grows." *BBC News US Edition*, 21 March 2003, <<http://news.bbc.co.uk/1/hi/world/americas/2870487.stm>>

population. Given that unarmed services that provide everything from operational coordination to security training fall under this paper's operational definition of PSC, it would follow that a nation that provides the same type of support, i.e. not necessarily combat but still supplemental to the military operation, would also fulfill the conditions necessary to be included in the research.

Members

Because of the rather broad nature of the population, it is necessary to narrow our given population for reasons of feasibility. Thus, this research will look specifically at the United States and private security contractors under the authority of the United States government.. As the world's largest consumer of private military and security services, as the state that spearheaded the recent efforts into Iraq and Afghanistan, and as the nation with the largest military presence worldwide, the behavior of the United States military has major ramifications for global stability and potential for conflict, and the institutionalized, heavily bureaucratic structure of the U.S. Department of Defense (this paper will focus on the DOD, as opposed to departments such as the Department of Homeland Security, for reasons of efficiency) allows us to examine the effect of PSC on a system specifically designed to minimize variations from the norm. That is to say, the bureaucratic nature of the DOD helps to minimize the occurrence of deviant behavior contributing to conflict in warfare. Thus, as discussed above, this structure allows us to examine the potential harmful effects of PSC use even in the presence of factors attempting to control for issues such as corruption and personal gain. (Even if such factors are unsuccessful, there is at the very least an acknowledgement that the issue can potentially exist.)

From a simpler perspective, the nature and design of the U.S. federal government, as well as reasonable expectations for transparency and accountability to the public means that in regards to the U.S. military, both a large amount of data is available, and that transparency, while certainly not perfect, is reliable. Simply put, there is "trustworthy" data available about PSC use within the United States military structure, and while there is a lack of data in certain areas, given the dearth of data

in regards to other PSC use (e.g. African states), the United States remains the most feasible focus of research.

Strategy

This paper will examine the relationship between the use of PSCs and the instability of conflict in Iraq and Afghanistan through a statistical analysis of the measures featured in the section below. In doing so, this paper will supplement a literature that is woefully lacking in data and statistics based research to provide evidence for normative claims about the use of PSCs both within a military structure and for private security reasons. Statistical analysis will also provide greater insight into trends in Iraq and Afghanistan as a whole, as opposed to a singular look at an area of the military engagement. Finally, statistical analysis will provide a foundation of measurable evidence to support or reject the claim that the use of PSCs leads to conflict.

Because these two wars, while obviously distinct in the details of their execution, are remarkably similar in their foundation (that is to say, in both wars, the United States is fighting a counterinsurgency), they are therefore functionally similar enough to allow us to compare the relationship between PSCs and conflict within both regions. While admittedly there is significance variance between the two countries in regards to geography, population demographics, political structure, cultural values, etc., the U.S. approach to the two wars has been consistent enough to permit comparison. As the United States' military is highly structured and accountability remains an important factor within the government organization, data in regards to the Iraq and Afghanistan wars is significantly easier to access than other PSC operations.

This analysis will consist of a multivariate regression of the below measures as well as the controls listed in the final section in an effort to prove a tangible and measureable relationship between PSC use and conflict. A multivariate regression analysis will allow for accounting for possible confounding variables as well as the compilation of the several factors that constitute PSC use and conflict. This analysis will be constrained between July 2007 and July 2012, as contracts

were not brought under the Uniform Code of Military Justice until the year 2007, under the FY 2007 Military Authorization Act.

Measures

The following is a chart of the various factors this paper will be evaluating in an effort to measure the relationship between the use of PSCs and the intensity of conflict in the Iraq and Afghanistan operations. Although the U.S. invasion of Iraq officially began 20 March 2003, because the Department of Defense (DOD) did not begin releasing data on contractors in CENTCOM until the second half of 2007, data for this research will be restricted between September 2007 and September 2013 for both Iraq and Afghanistan. The latter boundary has been established despite the fact that the U.S. presence in Afghanistan (and U.S. contractor presence in Iraq) persists to this day because of data availability restrictions. Furthermore, setting the temporal boundaries (roughly) evenly allows us to examine trends on both an annual and monthly basis. On a final note, the data sample will also be exclusively restricted to DOD private security contract use as the mission and purpose of other departments using PSCs differ from that of the DOD.

I. Independent Variable: Use of PSCs

Measures	Sources
Contract Expenditures	Federal Procurement Data System; USASpending.gov
Number of Contractors Supporting U.S. Operations	U.S. CENTCOM Area of Responsibility, Iraq and Afghanistan
Number of U.S. Troops in Iraq and Afghanistan (Indicated in ratio with preceding variables)	Brookings Institute: Iraq Index Brookings Institute: Afghanistan Index

Indicating levels of PSC use by the United States can be determined by the first two measures listed above: (1) Contract Expenditures, and (2) Number of Contractors Supporting U.S. Operations. By using these measures, we are able to form a data based picture of DOD PSC use

based on monetary values, overall contract use, and size of these contracts (based on expenditures and number of contractors). Number of U.S. troops has been introduced in an effort to control both for the effect number of U.S. troops has on intensity of conflict in and of itself, and to account for the relationship between contractor support and military troops. Furthermore, the data was run as a ratio per 10,000 troops to account for the effect the ratio of troops to contractors may have on conflict intensity.

Both Federal Procurement Data System and USASpending.gov are simultaneously listed as sources as they contain the same information in different forms. Whereas awarded contracts are reported daily to the Federal Procurement Data System, after a 90-day delay, these contract actions are added to the publicly available USASpending.gov in an effort to ensure security of military operations. Due to the Federal Funding Accountability and Transparency Act, these two databases remain the most encompassing and accessible sources of data regarding Department of Defense contract awards. Contracts are listed by transaction type, funding agency, cost, etc. This provides us with sufficient information to determine the above measures.⁹²

The U.S. Department of Defense Census provides quarterly reports regarding DOD contractor personnel numbers in both Iraq and Afghanistan, separating contractors used for private security from total contractor numbers. As with the Federal Procurement Data System and USASpending.gov listed above, CENTCOM reports remain the most reliable and accessible sources for information regarding the number of contractor personnel supporting U.S. operations.

In regards to U.S. troop levels: the Brookings Institute is a reputable non-profit organization that conducts research into both the Iraq and Afghanistan wars. Since 2003, the institute has been producing regular reports on the situation in both Iraq and Afghanistan, including data related to troop deployment, expenditures, fatalities, daily attacks, estimated insurgency size, etc. This data is also sourced directly from the Department of Defense, the United Nations, the IDAF, or the Iraqi

⁹² See *supra* note 99.

government. The accessibility and cohesiveness of the Brookings institute index makes it an invaluable source of information for these two wars. Moreover, while complete data reliability is impossible to insure, the data provided by these two indexes constitutes the most reliable existing data.

Similarly, the data produced from the weekly magazine the Nation relies on a combination of “an extensive survey of reliable media accounts for its raw data, reports of NGOs, human rights organizations and ISAF (the International Security Assistance Force)” for the variety of data it displays. While it also faces issues of reliability regarding data sourcing, it provides one of the few cohesive and manageable data sources available.⁹³ Again, as iterated above in regards to the Brookings Institute, the data provided serves as the most reliable existing data.

II. Dependent Variable: Intensity of Conflict

Measures	Sources
Military Personnel Fatalities	www.icasualties.org
U.S. Wounded in Action	Defense Casualty Analysis System
Documented Civilian Deaths from Violence	www.iraqbodycount.org The Nation: Civilian Fatalities in Afghanistan
Contractor Fatalities	Department of Labor

Intensity of conflict is a notoriously difficult variable to define, let alone measure. It is virtually impossible to account for all possible manifestations of conflict. Because of this difficulty, as mentioned earlier, for the purposes of this paper, intensity of conflict will refer to the intensity of combat, focusing on the following indicators of conflict: (1) Number of Military Personnel Fatalities Casualties, (2) Number of U.S. Wounded in Action, (3) Documented Civilian Deaths from Violence and (4) Contractor Casualties. (As with the above data, all numbers are indicated as ratios per 10,000 troops to account for the effect that the ratio of the two may have on conflict.) Due to the

⁹³Dreyfuss, B., Turse, N., Wuestewald, E., & Reynolds, F. (n.d.). *The deaths of afghans: Civilian fatalities in afghanistan, 2001-2012*. Retrieved from <http://www.thenation.com/afghanistan-database>

ambiguity surrounding intensity of conflict, as well as the ambiguity surrounding those within the PSC literature who view PSCs as a threat to stability,⁹⁴ this paper will look at the most obvious measures of the “destructive” nature of warfare: namely, casualties. Not only will looking at casualties allow us to combine the measures into a basket measure that can run in a regression, but fatalities and wounded in action numbers remain the most basic indicator of warfare. Thus at present time the paper will take a simplistic view of the outcome of war: more fatalities means a higher intensity of conflict, and vice versa.

The first four measures, Military Personnel Fatalities, U.S. Wounded in Action, Documented Civilian Deaths from Violence, and Contractor Fatalities, provide the strongest indicator of the destructive nature of warfare by accounting for injuries and deaths on both the part of military personnel and contractors, as well as civilians. By examining the relationship between casualties and PSC use, we will be able to see if PSC use affects the body count of these two wars. In simplest terms, do more people die when PSCs are present? The Defense Casualty Analysis System provides the most direct and reliable source for indicating military personnel wounded in action numbers, as it is responsible for tracking and reporting the health status of all troops. In regards to military fatalities, www.icasualties.org is an invaluable tool in that it provides already compiled data in regards to military fatalities in a variety of different manners, including categorizing data by month, nationality, location, etc. Like other sources mentioned, it relies on a combination of Department of Defense and IDAF reports to account for military fatalities and is often cited in newspapers and academic reports.⁹⁵

The Iraq Body Count Project (IBC) is a web-based effort to record civilian deaths in Iraq: “The count encompasses non-combatants killed by military or paramilitary action.”⁹⁶ Despite the difficulty and general variation in reporting civilian deaths, IBC remains the most reliable source in

⁹⁴ This is meant in the sense that oftentimes it is unclear by what the authors mean by a “worsening” of conflict.

⁹⁵ O'Hanlon, M. E., de Albuquerque, A. L., & Livingston, I. S. (2013). *Iraq index: tracking variables of reconstruction & security in post-Saddam Iraq*. Brookings Institution.; Livingston, I. S., Messera, H. L., & Shapiro, J. (2013). *Afghanistan index*. Brookings Institute.

⁹⁶ Iraq Body Count. <http://www.iraqbodycount.net/> (accessed Oct. 27, 2013).

that IBC figures are dependent on records of actual, documented deaths drawn from crosschecked reports from the DOD and news sources. Furthermore, IBC's focus on violent, civilian deaths helps avoid inflated figures, which may be related to other contributing factors to deaths, such as illness, starvation, etc. Similarly, the Nation's database of civilian fatalities in Afghanistan, conducted in conjunction with The Investigative Fund at the Nation Institute draws on a variety of sources, included media based reports, NGOs, NATO, DOD, and IDAF reports, to make document based estimates of civilian death counts in the region. The Nation also attempts to account for variation in reporting by including minimum and maximum reported civilian deaths in the database.

The dependent variable measures of Military Personnel Fatalities, U.S. Wounded in Action, and Documented Civilian Deaths from violence will be aggregated into a basket measure to allow for a linear regression. As all of these measures are indicated by the same value, i.e. number of persons, the basket measure was determined by simply adding together the number of Military Personnel Fatalities, number of U.S. Wounded in Action, and number of Documented Civilian Deaths from Violence within the time frame of the case. Although fatalities arguably constitute a higher degree of "intensity" of conflict than wounded in action does, when regressions were run with the value of wounded in action reduced, the discrepancies between the reduced value wounded in action regression and full value wounded in action regression were negligible. Thus the full value was retained to limit the influence of author bias.

Comparison

The measures proposed as indicators of both the independent and dependent variables all vary according to time, as cases are constituted by each month of the wars, ranging from July 2007 to July 2013. Moreover, the cases involve the same forces varying over time, and the dependent variable is indicated by the same type of measure, i.e. number of persons. For such reasons, the cases are comparable. Furthermore, by studying these measures in both the cases of Iraq and Afghanistan, we are able to examine these variables across two different spectrums and contextual

situations. Although both regions differ based on political, social, and cultural structure, as well as the myriad of other difference that contribute to the establishment of two separate nations, the institutional structure of the U.S. military, even as it has varied overtime, allows us to compare the data from both regions.

Control

When dealing with a variable as broad as the term “conflict” is, there are potentially innumerable factors that can influence whether or not conflict occurs. “Minor factors” such as gender, temperament of individual officers, etc., can be dealt with simply by examining all the available data, as the samples provided will provide variations on such individual traits. Other variables, however, must be accounted for. At present time, this paper will deal with the following areas of potential variation.

(1) Intensity of Fighting and (2) Location/Geographic Distribution of Personnel. In examining fatality and casualty numbers, potential confounding factors include periods when fighting intensity increased regardless of PSC presence, and location of troops, i.e. distance from bases and whether or not they are located in Taliban controlled areas. Because this paper examines all of the given data for the Afghanistan and Iraq regions, intensity of fighting and geographic differences are included within the cases, not between cases. That is to say, geographic differences to due fighting in different locales with varying use of PSCs is accounted for by the fact that the data already accounts for all the geographic localities within the two regions. Discrepancies as a result of intensity of fighting are accounted for by examining all fatalities and casualties within the entire countries of Iraq and Afghanistan. Thus no fighting is excluded from the data, and all intensities are accounted for.

(3) Ratio of Contractors to Military Personnel. In an effort to determine whether the ratio of private contractors to military personnel may affect the dependent variable measures, the abovementioned data was divided per 10,000 troops, resulting in a ratio of that data to military

troops. These ratios were then run in the regression as ratios per 10,000 military troops. In this manner, the research would attempt to account for discrepancies in military personnel presence in relation to private contractor presence.

The final area of potential control, (4) Reverse Causality, is perhaps the most vital, as it is perfectly reasonable that an increased intensity of conflict would lead to an amplified contractor presence in the Iraq and Afghanistan wars, instead of the other way around. In an effort to eliminate the possibility of reverse causality, the dependent measure data was lagged by 6 months. This will reduce the effect of increased contractor obligations in reaction to fighting outbreaks or strategy change.

Other factors, such as leadership change in belligerent factions, can simply not be accounted for due to lack of data. Thus, unfortunately, this paper, such as all other forms of research, cannot undoubtedly account for all potential causes of variation. However, by dealing with the seven issues listed above, and by incorporating the use of broad and varied data, it will attempt to keep confounding variations to a minimum.

An additional important factor worth mentioning: while it is highly likely that the presence of accountability and transparency mechanisms would serve to mitigate potentially irresponsible private contractor and military personnel behavior, a lack of appropriate data makes it virtually impossible to incorporate this particular issue into our regression. However these factors will be discussed later in the paper, following the data analysis.

Generalization

As a final point, although this paper is seemingly tailored to specifically address the effect of PSC use within the context of a highly bureaucratic institutionalized military structure engaged in war, the results of such an analytical study have broad implications for the wider literature examining the use of PSCs. In fact, by examining the effect of PSC use within a structure such as the Department of Defense during wartime makes it easier to extend the consequence of such use to

areas that may lack the structure of the institutions. That is to say, the ramifications of PSC use on conflict stability may in fact be magnified in areas that lack the institutions to mitigate their use. Thus the effect PSC use has on the conflict in Iraq may implicate the use of PSC in peacekeeping operations in Africa. If PSCs increase conflict under a military as organized as that of the United States, how will they respond to weak or failed leaders or even private employers?

In fact, given the increasing adoption of PSCs to supplement military operations around the world, the results of such a study can have implications for seemingly non-related areas as well, such as the so called pivot towards Asia. Whether or not PSC use leads to more conflict essentially tells us about the most basic aspect of a security structure: will it or will it not lead to a fight? And in a global spectrum, that means war.

Limitations of Methodology

It is vital to mention that these regressions are limited by three main factors: (1) Data acquisition, (2) Time constraints, and (3) Location of Interest. In regards to the first, as mentioned earlier, complete data reliability when dealing with fatalities and casualties is impossible to ensure. Data may be underreported, classified, or missing for unknown reasons. Thus, even as our data may indicate the general trends of rise and falls in casualties, it may not be completely comprehensive. The Department of Labor itself states that its “reports do not constitute the complete or official casualty statistics of civilian contractor injuries and deaths. They are offered as general information to the public who may be interested in the scope of civilian government contracting overseas.”⁹⁷ In regards to time constraints, although the time is limited to control for the imposition of UCMJ, by only examining July 2007 through July 2012, we are missing a significant portion of the engagement in Afghanistan and Iraq, which began in 2001 and 2003 respectively. A broader look at contractor use over the entire spectrum of the war could potentially yield very different results in the data,

⁹⁷ http://psm.du.edu/media/documents/reports_and_stats/us_data/dept_labor_defense_base_act_reports/dba_fy2009_employer.pdf

particular in Iraq, where contractors were used with admittedly little management. The discussion below examines the limitations of these time constraints in further detail.

(3) Location of Interest refers to the fact that this paper is focusing exclusively on conflict in Iraq and Afghanistan. Focusing on these two wars may make it difficult to generalize wars conducted under the leadership of the most advanced and highly structured military in the world, a military with the greatest destructive capacity of any country. This destructive capacity and structure makes it difficult to extrapolate the results of this study to the overall use of PSCs in general. In addition, by specifically examining the use of PSCs by a nation-state, it also may be difficult to draw conclusions in regards to the use of PSCS by non-state actors.

Data Analysis

In an effort to determine if a relationship exists between private security contractor use and intensity of conflict, I conducted multivariate linear regressions analyses to map the relationship between the two variables. Below are the results from two independent regressions of the data from Iraq and Afghanistan.

I. Regression Results: Iraq

The following equation was used to conduct the regression for the Iraq War and to examine the relationship between PSC use and intensity of conflict.

$$y = m_1b_1 + m_2b_2 + m_3b_3$$

WHERE:

$y =$

of Military Personnel Fatalities +

of U.S. Military Personnel Wounded in Action +

of Documented Civilian Deaths from Violence + # of Contractor Casualties

- b_1 = Contractor Expenditures
- b_2 = # of Contractors Supporting U.S. Operations
- b_3 = # of U.S. Troops

Note that all measures are indicated per 10,000 troops.

The following charts display the results of the multivariate regression indicating the concurrent effect of contractor expenditures, number of contractors supporting U.S. operations, and number of U.S. troops on our basket measure for intensity of conflict.

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.934 ^a	.872	.865	22.559

ANOVA^a

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	170393.821	3	56797.940	111.609	.000 ^b
	Residual	24936.179	49	508.902		
	Total	195330.000	52			

A preliminary analysis indicates that when accounting for the simultaneous effect of our independent measures, there is a strong correlation between PSC use and intensity of conflict (Adjusted R Square >.500). Additionally, following the traditional statistical standards for significance, the relationship appears to be highly significant. (Sig. = .000).

However, a more thorough examination of the individual measures in our independent variable gives us a more nuanced understanding of these results. The following chart displays the results of the multivariate regression when broken down by each measure of the independent variable:

Coefficients^a

Model	Unstandardized Coefficients	Standardized Coefficients	t	Sig.
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	B	Std. Error	Beta		
(Constant)	77.745	20.470		3.798	.000
Contract Expenditure by Place of Performance (Iraq) DOD ONLY Per 10,000 Troops	4.638E-008	.000	.042	.781	.438
1 # of Military Troops (Iraq) Per 10,000	-2.401	1.153	-.185	-2.083	.043
# Contractors Supporting U.S. Operations (Iraq) - By Quarterly End Date - Divided Per 10,000 Troops	.141	.016	.781	8.734	.000

When looking at each individual measure, contract expenditure and number of military troops in fact proved to be statistically insignificant (Sig. = .438; Sig = .043), indicating that there is no relationship between contract expenditures and intensity of conflict or between number of military troops and intensity of conflict (when including contractor fatalities). Most interesting, however, are the results of number of contractors supporting U.S. Operations in Iraq. Number of contractors supporting U.S. Operations had a strong positive correlation with intensity of conflict with an extremely high significance (Beta= .781; Sig. = .000), seemingly suggesting that increased contractor presence in Iraq correlated with an increased intensity of conflict, in line with the expectations preceding this research.

Furthermore, this can be compared to the same regression conducted with number of contractor casualties removed (indicated by the same equation above, except that y now indicates number of military personnel fatalities, number of U.S. military personnel wounded in action, and number of documented civilian deaths from violence). This allows us to examine the relationship between PSCs and military casualties as well as civilian fatalities absent the effect introducing a new actor into the conflict may have of the dependent variable. That is to say, the very act of having contractors present in Iraq means that contractors will be injured and/or killed in the region, thus driving the numbers up. By looking at the effects contractors have on military and civilian casualties

in a regression without contractor casualties and comparing it to the above regression, we are able to see whether or not the above indicated positive correlation is a result of contractor casualties magnifying the total number of casualties in the relationship. Such a regression produced the following results:

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.759 ^a	.576	.551	23.628

ANOVA^a

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	37239.449	3	12413.150	22.234	.000 ^b
	Residual	27356.853	49	558.303		
	Total	64596.302	52			

Again, the results indicate that there is a strong correlation between PSC use and intensity of conflict (Adjusted R Square >.500) with a high significance (Sig. = .000). Moreover, when examining this regression by individual measure, we see similar results as the above regression:

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	-1.779	21.441		-.083	.934
	Contract Expenditure by Place of Performance (Iraq) DOD ONLY Per 10,000 Troops	-2.108E-009	.000	-.003	-.034	.973
	# of Military Troops (Iraq) Per 10,000	1.751	1.207	.235	1.450	.153
	# Contractors Supporting U.S. Operations (Iraq) - By Quarterly End Date - Divided Per 10,000 Troops	.097	.017	.935	5.739	.000

Both contract expenditures and number of military troops are insignificant in this regression (Sig. = .973; Sig. = .153). Conversely, number of contractors supporting U.S. Operations again had a strong positive correlation with intensity of conflict with an extremely high significance (Beta = .935; Sig. = .000). This not only indicates that increased contractor presence in Iraq correlated with an increased intensity of conflict, but, when compared to the above regression, dissuades the notion that the correlation is largely the result of the natural relationship between increased contractor presence and contractor casualties. As this correlation exists both with and without the presence of contractor casualties, the result seems to indicate that there exists a strong positive correlation between contractor use and intensity of conflict that is not self-augmenting.

II. Regression Results: Afghanistan

The following equation was used to conduct the regression for the Afghanistan War and to examine the relationship between PSC use and intensity of conflict.

$$y = m_1b_1 + m_2b_2 + m_3b_3$$

WHERE:

$y =$
of Military Personnel Fatalities +
of U.S. Military Personnel Wounded in Action +
of Documented Civilian Deaths from Violence + # of Contractor Casualties

$b_1 =$ *Contractor Expenditures*

$b_2 =$ *# of Contractors Supporting U.S. Operations*

$b_3 =$ *# of U.S. Troops*

Note that all measures are measured per 10,000 troops.

The following charts display the results of the multivariate regression indicating the concurrent effect of contractor expenditures, number of contractors supporting U.S. operations, number of U.S. troops, and number of U.S. launched attacks on our basket measure for intensity of conflict in Afghanistan.

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.340 ^a	.115	.069	42.295

ANOVA^a

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	13294.632	3	4431.544	2.477	.070 ^b
	Residual	101963.630	57	1788.836		
	Total	115258.262	60			

In contrast with the Iraq data, preliminary analysis here indicates that (when accounting for the simultaneous effect of our independent measures) the regression is insignificant (Sig.= .007).

In addition, a more thorough examination of the individual measures in our independent yields similar results.. The following chart displays the results of the multivariate regression when broken down by each measure of the independent variable. As noted in the table below, none of the measures proves to be significant in this regression (i.e. Sig. < .005).

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	108.970	18.758		5.809	.000
	Contract Expenditure by Place of Performance (Afghanistan) DOD ONLY Per 10,000 Troops	-1.642E-007	.000	-.326	-2.592	.012
	# of U.S. Troops (Afghanistan) Per 10,000	-3.068	2.606	-.217	-1.177	.244

# Contractors Supporting U.S. Operations (Afghanistan) - By Quarterly End Date- Divided Per 10,000 Troops	.039	.039	.185	1.007	.318
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Results of the regression excluding contractor casualties shown below also show the data to be insignificant, both in regards to the overall regression and referring to the individual measures:

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.354 ^a	.126	.079	41.607

ANOVA^a

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	14162.051	3	4720.684	2.727	.052 ^b
	Residual	98677.097	57	1731.177		
	Total	112839.148	60			

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	100.085	18.454		5.424	.000
	Contract Expenditure by Place of Performance (Afghanistan) DOD ONLY Per 10,000 Troops	-1.419E-007	.000	-.285	-2.276	.027
	# of U.S. Troops (Afghanistan) Per 10,000	-1.881	2.564	-.134	-.734	.466

# Contractors Supporting U.S. Operations (Afghanistan) - By Quarterly End Date- Divided Per 10,000 Troops	-0.021	.038	-.102	-.561	.577
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Consequently, this implies that there is not a correlation between PSC use and intensity of conflict in Afghanistan according the measures shown above, both in the presence of and absent contractor casualties. Thus, while there exists a strong positive correlation between number of contractors supporting operations and intensity of conflict in Iraq, the same can not be said of Afghanistan.

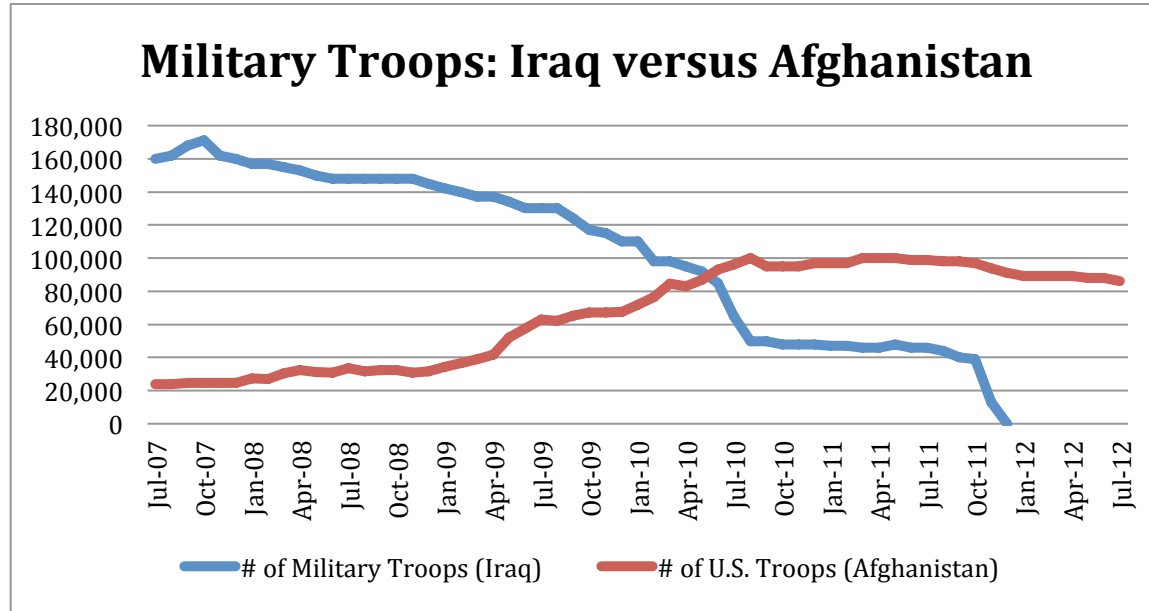
Discussion

Interpretation of Results

The above results suggest that there was a significant relationship between the number of contractor supporting U.S. operations and intensity of conflict in Iraq. Moreover, in line with the proposed hypothesis, this relationship appears to be positively correlated, suggesting that as the number of contractors rose in Iraq, intensity of conflict, as measured by casualties, increased. However, given the insignificance of the Afghanistan data, a similar claim cannot be made in regards to the Afghanistan region. This thereby undermines the validity of the original assumption that private security contractors contribute to an increased intensity of conflict, as the results are inconsistent between the regions.

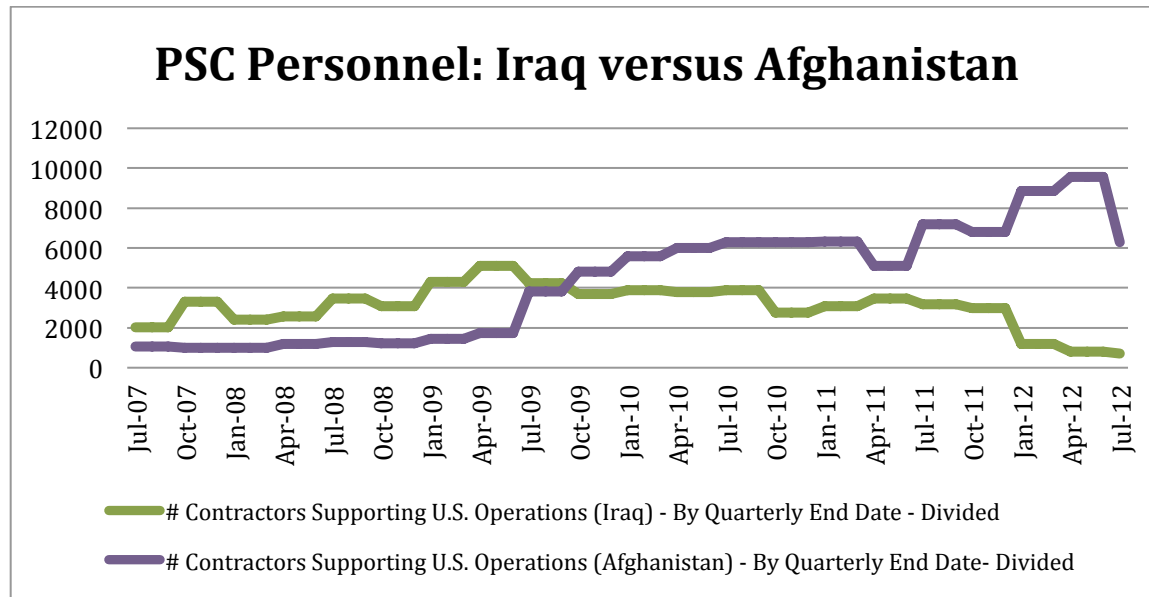
Of particular interest is why such a discrepancy between the Iraq and Afghanistan results appeared in the regression results. This is most likely the result of the time frame (July 2007 to July 2012) chosen to examine the data. While this was initially chosen to help control for accountability mechanisms as mentioned above, Iraq and Afghanistan are not parallel wars. While we are looking at the two engagements within the context of the same temporal situation, both engagements were

in very different “developmental” stages at any given time. Thus as the war in Iraq was nearing the end of its troop engagement, the war in Afghanistan was seeing either an increase in troop engagement or at the very least, a continued commitment to engagement in the area.



Therefore, as to why the Iraq data proved significant with a positive correlation and the Afghanistan data was insignificant, this is likely explained by the fact that troops began withdrawing from Iraq in 2009 (and in fact had been steadily decreasing since October 2007). As of December 2011, there were no military troops engaged in Iraq.⁹⁸ In contrast, presence of troops in Afghanistan, while decreasing slightly from May 2011, retained a significant presence (>85,000) in the region through the end of the data measured. In both regions, however, private security contractors continued to play a role, albeit a decreased one in Iraq.

⁹⁸ Military personnel do remain in Iraq to this day, but they are not military troops. Often they are engaged in advisory positions or qualify as Special Forces.



Thus the discrepancy is likely due to the fact that the temporal restraints of the regression mean that we are examining the end of the Iraq War, but a surge, or at the very least, a generally consistent commitment in Afghanistan.

Nevertheless, returning to the regression results, possible causal explanations for the positive correlation appearing in the data outcomes can be drawn from the existing schools of thought. Perhaps contractors undermine cohesion within the military unit, whether because they generate animosity between troops and private personnel, or because they do not have to follow the same code of conduct that troops do, as they are not an integrated part of the military culture. These differences between military culture and contractor culture can impact the efficiency of operations conducted by both, and consequentially lead to improper execution of operations, potentially leading to more errors and more deaths.⁹⁹ Inefficient coordination between contractors and military units may have also compelled military leadership to abandon potentially successful strategies for fear that coordination between the two groups was insufficient.

⁹⁹ Petersohn, U., Dunigan, M., Burkhart, Q., Zander-Cotugno, M., O'Connell, E., & Webber, M. (2010). *Hired guns: views about armed contractors in Operation Iraqi Freedom*. Santa Monica, CA: RAND;

More contractors may also have been dying in the absence of troops towards the end of the Iraq War, as troops were no longer in the region to provide protection and assistance to contractors. Thus the positive correlation could be the result of more contractors' fatalities, as they become the predominant Department of Defense actors in Iraq. Contractor casualties in the 2012 fiscal year reached as many as 2708 contractors, absent the presence of troops. Another proposed explanation is that contractors inflame popular opinion against the American mission, causing an increase in insurgent activity as the population becomes hostile towards the Americans.¹⁰⁰ Peter Singer even proposed that contractors might undermine the effectiveness of Iraqi civilian institutions because of their inability to unilaterally regulate private contractors. This has the effect of discouraging confidence in these institutions, which makes it more difficult for the institutions to deal with various expressions of insurgency, such as increased attacks.¹⁰¹ Of course, it is far more likely that the real answer is a combination of all these qualifications).

Limitations of Results

Obvious limitations to these results include the data limitations mentioned previously in the methods section. Particularly worth of note, however, are the issues centering on the use of contractor expenditures and number of private security contractors simultaneously as well as the limited time span to examine the data.

In regards to the first, while the number of private security contractors was easily accounted for in the data, contract expenditures were not categorized by type of contractors. Thus, there is no way to distinguish in the contract expenditures what funds were allocated specifically for private security contractors. Contract expenditures then encompass all types of contract obligations on the part of the DOD. While this does not necessarily detract from the research, and

¹⁰⁰ See *supra* at 64, 67.

¹⁰¹ See *supra* at 71.

maintains the focus on the privatization of defense, it does raise the question of potential inconsistencies in the data.

The other vital limitation concerns the time span used collect data. While the time span chosen was established due to data availability and to help control for accountability mechanisms as mentioned in the methodology section, U.S. military engagement in both Iraq and Afghanistan long preceded 2007, and it is possible that by only examining the recent 5 years, we are lacking a vital sense of the results. PSC use could have varied considerably in the years preceding 2007. By narrowing the data to only five years, this paper fails to account for a large portion of the operations in Afghanistan and Iraq. Moreover, as alluded to the explanation for the data discrepancy between Iraq and Afghanistan, by limiting the data to the given temporal time frame, we are also comparing different stages in the Iraq and Afghanistan war, which may have differing results for the regression results.

Along with this line of thought, this paper also takes a narrow focus in only examining the relationship between contractor use and casualties. While it was the intent of this paper to examine these two variables in an effort to indicate the implications of PSC use on the more destructive tendencies of warfare, contractors may in fact be disrupting the military structure in other ways, perhaps by undermining military personnel morale or mistreating civilians in the regions.¹⁰²

Additionally, it is important to note that contractors as a whole are playing a variety of roles as adjuncts to the military structure, from mess hall cooks to construction workers to security guards. By excluding the mess hall cooks and construction workers from the analysis, the data may in fact not be reflective of the overall effect contractors are having on the military as an institution. By narrowing the definition of PSC as elucidated in the methods section of the paper, this study might be inhibited by the limited scope of its data.

¹⁰²According to a report produced by the RAND Corporation in 2010, their results indicated that “the prevailing perception among military personnel themselves is that the higher levels of pay earned by armed contractors do indeed adversely affect retention in the services.” In addition, “over one-fifth of DoS personnel did report “sometimes” or “often” having firsthand knowledge of armed contractors mistreating civilians.”

Implications for the Literature

As the original hypothesis of this research fell more in line with the “Threat Approach” to PSC use in conflict, initially, the Iraq regression results may seem to favor this school of thought, suggesting that the increased presence of contractors in Iraq and Afghanistan actually did lead to an increase in the intensity of conflict. This seems to fall in line with the notion that private security contractors are a contributing factor to warfare, furthering the argument that PSCs are contributors to conflict.

That being said, taken as a whole, the results of this analysis in fact correspond more with the “Bit Player Approach” area of the literature. The inconsistency in the significance of the data between Iraq and Afghanistan seems to imply that there is more to the results than the effect the inherent quality of number of contractors has on intensity of conflict. Moreover, the positive correlation between the two variables in Iraq does not permit one to expand the implications of the results to simply assume that the use of PSCs will lead to a increase in intensity of all conflict. Because we did not see the same relationship in the Iraq and Afghanistan regressions, we cannot make the unilaterally make the claim that an increase in PSC use led to an increase in intensity of conflict. Rather, it seems that this relationship can fluctuate. This is more in line with the “Bit Player Approach’s” view that PSCs are instruments, but do not inherently contribute to conflict. Rather, PSC use is contingent upon the context in which it is used. While Iraq led to one result, Afghanistan led to another, lending credence to the notion that there was a contextual difference that led to the discrepancy in results. Therefore, as no definitive conclusions can be draw from these, the results are most consistent with the instrument approach to private contractor use. For this reason, the normative implications of contractor use are contingent upon the manner in which they were executed; thus making the contractors instruments of conflict management, as opposed to contributing factors.

That being said, given the lack of clarity that the data resulted, further research should be conducted to determine more definitive conclusions about the use of PSCs and intensity of conflict. Specifically in regards to this paper, further research would benefit from examining the entire time period of the Iraq and Afghanistan wars, thereby expanding the time frame to include the entire war. This would allow research to examine the overall trend of conflict, as opposed to a partial one. Additionally, introducing some way to better control for accountability and transparency mechanisms would also improve future research. Perhaps most importantly, intensity of conflict should be expanded to account for other indicators of conflict, such as daily number of attacks, federal misconduct rates, weapon discharges, etc. Incorporating these measures would allow for a much more nuanced examination of what determines conflict and whether conflict can be more or less intense even when not necessarily more people are dying.

Beyond the scope of this paper, ideal research would examine the relationship between PSC use and intensity of conflict (including the expansive scope listed above) beyond the extent of the Iraq and Afghanistan wars to include all types of conflict that PSCs may be engaged in, whether it's civil war or a humanitarian peace keeping mission. Such research would allow for a more thorough investigation of the effects PSCs may have on security and conflict itself, as opposed to conflict within the context of war, which is inherently violent. Expanding the data to include more variance in type of engagement could have broader implications for the privatization of security around the world, not just in war.

Conclusion

Policy Implications

Ultimately then, the conclusion of this paper differs little from the overwhelming consensus of the majority. That is, PSCs can contribute to the negative effects of war, but such an effect is

contingent upon their management. Accountability and transparency are vital components of managing PSC use that remain vague and unclear within the structure of Department of Defense management.¹⁰³ The inconsistency of responses to contractor misconduct illustrates the effect of this uncertainty. Moreover, the RAND report suggests that integrating contractors into the military personnel community is an area that needs significant improvement.

That being said, the results of this analysis also suggest that, having accounted for the factors mentioned above, the use of private contractors in warfare could potentially increase the extent of casualties in warfare. Private security contractors can play a significant role in increasing the intensity of conflict in military engagements. If the defense institutes of various states and other organizations fail to establish effective management structures to regulate private contractor use, the privatization of warfare could actually expand the destructive capacity of war.

This has tremendous implications in particular for the United States military and the Department of Defense. Even as military troops have been removed from Iraq and troops levels in Afghanistan are diminishing as well, the Iraq and Afghanistan wars set a precedent for the continued use of contractors to supplement U.S. military activity in the future as well.¹⁰⁴ With the pivot to Asia and increased military focus being directed towards interactions with China, failure to mitigate the behavior of private contractors could have highly damaging effects on U.S. military relations with China and in the Pacific. While the U.S. may not be engaging in a war in the Pacific, tensions and skirmishes that regularly arise over issues such as island disputes could easily turn ugly. The presence of contractors whose conduct is not always held accountable would undermine Chinese confidence in the willingness and ability of the U.S. to discipline its employees and respond effectively to Chinese complaints. Even in a more general sense, relying more heavily of privatizing defense may make it more difficult for the U.S. to manage and oversee its operations in the area.

¹⁰³ See *supra* at 21, 75,

¹⁰⁴ See *supra* at 71.

For such reasons, it is essential that the United States determine a clear and present legal foundation to manage private contractor use when supplementary to military activities. Without a structured mechanism in place for such management, dealing with contractors will vary and the Department of Defense could potentially be ill prepared to deal with more instances of contractor misconduct, or undermine the efficiency of the military by not establishing a clear code of conduct. By remaining in the current structural limbo now in place for dealing with contractor management, the United States military is making itself vulnerable to conflict that may simply require an established structure to avoid.

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