

UNIVERZITA KARLOVA V PRAZE

FAKULTA SOCIÁLNÍCH VĚD

Institut politologických studií

Jana Sladká

**Private Military Companies and Security
Sector Reform in Post-Conflict Countries: A
Case Study of Iraq**

Diplomová práce

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Autor práce: **Jana Sladká**

Vedoucí práce: **doc. Mgr. Oldřich Bureš, Ph.D., M.A.**

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Abstrakt

Tato diplomová práce se soustředí na roli soukromých vojenských společností (SVS) v oblasti reformy bezpečnostního sektoru v Iráku od roku 2003 do roku 2011. Jelikož v Iráku v době působení soukromých vojenských firem probíhala post-konfliktní rekonstrukce, věnuje se první kapitola práce cílům a průběhu post-konfliktní rekonstrukce z teoretického hlediska. Součástí teoretického rámce práce je i reforma bezpečnostního sektoru a kroky, které daný proces obnáší. Druhá kapitola se zaměřuje na definici soukromých vojenských firem a jejich typologii. Převážně tato část práce zkoumá rozdíly mezi žoldněří a soukromými vojenskými kontraktory a mezi soukromými vojenskými společnostmi samotnými. V neposlední řadě druhá kapitola zahrnuje diskuzi o roli SVS v procesu reformy bezpečnostního sektoru v post-konfliktních zemích. Třetí kapitola se věnuje historickému vývoji spolupráce mezi SVS a USA a kořenům závislosti USA na službách vojenských kontraktorů. Závěrečná kapitola analyzuje roli SVS v procesu bezpečnostní reformy v Iráku. Cílem této kapitoly je definovat výhody a nevýhody využití služeb těchto společností a na základě nedostatků spojených s najmutím SVS analyzovat kroky, které mohou pomoci v budoucnu těmto problémům předejít.

Klíčová slova

Soukromé vojenské společnosti, bezpečnostní sektor, reforma bezpečnostního sektoru, post-konfliktní rekonstrukce, privatizace bezpečnosti, Irák, USA.

Abstract

A subject of this diploma thesis is a role of private military companies (PMCs) in security sector reform (SSR) in Iraq in a period from 2003 to 2011. The first chapter of the thesis focuses on goals and process of post-conflict SSR from a theoretical point of view because of an involvement of PMCs in post-conflict reconstruction which was taking place in Iraq. Part of the theoretical chapter is a SSR and steps which is the SSR process composed of. The second chapter concentrates on definitions and typologies of PMCs. This part of the thesis makes a distinction between mercenaries and private military contractors and PMCs themselves. Last but not least the second chapter encompasses discussion about a role of PMCs in a process of SSR in post-conflict countries. The third chapter is dedicated to a historical development of cooperation between PMCs and the US; it analyses roots of the US dependence on services provided by PMCs. A case study of Iraq elaborates on a role of PMCs in a process of Iraqi security reform. Aim of this chapter is to define advantages and disadvantages of usage of services provided by PMCs. By taking into account disadvantages employment of PMCs represents, steps that could help to avoid those in the future are suggested.

Keywords

Private military companies, security sector, security sector reform, post-conflict reconstruction, privatisation of security, Iraq, the United States.

Prohlášení

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2. Prohlašuji, že práce nebyla využita k získání jiného titulu.
3. Souhlasím s tím, aby práce byla zpřístupněna pro studijní a výzkumné účely.

V Praze dne 17.05.2012

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Jana Sladká

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Introduction

Private military companies (PMCs) are not a new phenomenon. They accompanied the troops of the United States (US) in the First as well as Second World War, and in the conflicts that occurred during the Cold War era. PMC involvement in military operations intensified globally in the aftermath of the Cold War, with the US becoming a major client. The number of PMCs based in the US substantially increased after the terrorist attacks on 11th September 2001 and their involvement in military operations and post-conflict reconstruction has extensively grown after the US-led military invasion in Iraq in March 2003. In fact, the Iraq War has been marked by the reliance of the US on private military contractors. PMCs were active already during the pre-war preparations for the invasion, and they supported the US troops during the major combat and assisted in the post-conflict reconstruction process including security sector reform (SSR). Nonetheless, misconduct and failures of private military contractors such as torture in Abu Ghraib and killings of civilians revealed serious issues of concern and aroused the attention of public to the topic of PMCs. As seen with the Iraq War, dilemmas related to the use of PMCs include weak regulation, lack of legal accountability, and inadequate oversight over PMC performance.

Efficient security sector reform is considered to be one of the fundamental steps of successful post-conflict reconstruction. Provision of safe and peaceful environment is closely related to further economic and social development of a country in transition. Building efficient Iraqi security forces able to guarantee safety for the local population is one of the key steps needed for Iraq to recover after the fall of the former regime and long lasting fights that followed the US-led invasion. The US government hired PMCs in order to assist during the reconstruction process and to support security sector reform. Considering the importance of the successful progress of SSR for the overall reconstruction process, it is crucial to explore the performance of PMCs in tasks related to SSR. *The aim of this thesis is to analyse the involvement of private military companies in the security sector reform in Iraq.* Therefore, I will examine the role which PMCs played in the SSR process and analyse the contribution of their use.

This thesis addresses the following main research question: *What are the key shortcomings and benefits stemming from the use of PMC services by the US government for the security sector reform in Iraq?* On the basis of unique case study method and existing literature dealing with this topic, I will verify the following hypothesis: *The utilization of PMCs for the SSR in Iraq was necessary due to the shortage of the US military personnel.*¹ The period under review starts with the launching of security sector reform in 2003 and ends with the withdrawal of US troops from Iraq in 2011 with an additional amount of information coming from the first quarter of 2012. The US is not only the biggest client of PMCs; also, it represents the largest market offering their services. Therefore, considering the scale of the thesis, I will focus on the American PMCs hired by the US government only.

I have chosen this topic because the research in the area of contribution of PMC services to development of SSR in Iraq is little. Despite the significance of successful security sector reform for the post-conflict reconstruction process, the contribution of PMCs for the progress of SSR in Iraq is not sufficiently examined in the available literature. The involvement of PMCs in Iraqi SSR was extensive and analysis of their performance can help to classify lessons learned and improve the utilization of their services in future cases. Since outsourcing PMC services is unlikely to slow down, the topic is relevant and current.

Methodology

The case study is analysed on the basis of qualitative research. The aim of the thesis is not to test theory, but to deeply examine the involvement of PMCs in SSR in Iraq in order to analyse the benefits as well as shortcomings of outsourcing. Because the topic of the thesis is examined for its specific aspects, this will be analysed using unique case study method. Unique case study method enables deep understanding of the phenomenon of the use of PMCs during SSR in Iraq, which is analysed for its singularity. Although this method is rather interpretative, it still allows generating lessons learned for future decision-

¹ After a deeper study of the literature and after a consultation with my supervisor, I have decided to change the hypothesis stated in my diploma thesis project.

making processes.² Therefore, through deep analysis of the SSR in Iraq, this thesis provides lessons learned for future involvement of PMCs that can allow for the avoidance of previous mistakes and help to improve utilization of private military contractors.

Structure of the thesis

In order to achieve the objective of the thesis, the text is divided into four main chapters. The first chapter focuses on the theoretical background for the case study. As the SSR in Iraq was implemented in post-conflict environment, I have chosen to use the theory from the area of conflict resolution for the topic of this thesis, as it was more suitable than theories of international relations. The first chapter presents the process of post-conflict reconstruction and introduces its objectives. It provides a theoretical framework in the form of four pillars of post-conflict reconstruction, which among others encompass security issue areas. Security sector reform is examined in the last subchapter, which addresses the obstacles of the reform process in post-conflict environment and suggests the significant steps that need to be done in order to implement SSR successfully. Such theoretical background is important for the analysis of the contribution of PMCs for the reform process.

The second chapter presents the definitions and typology of private military companies, which is necessary in order to understand such terms correctly. The chapter introduces how mercenaries are addressed within international law. Furthermore, the differences between mercenaries and PMCs and definitions of PMCs and private security companies (PSCs) included in the academic literature will be discussed. The last part of the chapter concentrates on the utilization of PMCs for the security sector reform in post-conflict country from theoretical perspective. This theoretical framework will be used for the analysis of the use of PMCs in the SSR in Iraq, as well.

The third chapter provides a historical background of the utilization of PMCs in US military operations, which is important in order to understand underlying reasons of US reliance on private military contractors. It briefly outlines the emergence of mercenaries in

² Drulák, P. (ed.) (2008) *Jak zkoumat politiku? Kvalitativní metodologie v politologii a mezinárodních vztazích* (Praha: Portál), p. 34.

general; however, the majority of the chapter focuses on US experience with PMCs. The subchapters dealing with US military history cover the period starting from the American War of Independence, which began in 1775, and ending in March 2012. The chapter also discusses the changing role of PMCs in American warfare and the causes of such changes. The number of PMCs hired by the US government grew extensively during the conflicts in Afghanistan and Iraq. Such immense increase of PMCs revealed dilemmas related to their use. Therefore, the conclusion of the third chapter includes analyses of the issues of concern stemming from utilization of PMC military and security services.

The fourth chapter concentrates on the aim of the thesis and analyses the involvement of PMCs in the SSR in Iraq. It answers the research question: *What are the key shortcomings and benefits stemming from the use of PMCs' services by the US government for the security sector reform in Iraq?* In the beginning, I will introduce the state of security sector in Iraq after the end of the US-led invasion in May 2003, the challenges of Iraqi SSR and barriers that hindered smooth progress of reconstruction process. The following four subchapters address the development of the security sector reform in Iraq and the involvement of US PMCs hired by the US government agencies. The sixth subchapter deals with the results and evaluation of the training and analyses the contribution of PMCs to the training of Iraqi security forces. Furthermore, I will focus on the indirect role of PMCs in the implementation of SSR in Iraq. The last two subchapters include the analysis of the implications of the involvement of PMCs. The case study works with the theoretical background presented in the first two chapters.

Literature review

A wide range of sources was used in order to provide analysis of the role of PMCs in the development of SSR in Iraq. First of all, it was necessary to anchor the case study into a theoretical framework based on the model of post-conflict reconstruction and security sector reform. The definition of post-conflict reconstruction and its objectives were taken from the World Bank report *Post-conflict Reconstruction: The Role of the World Bank*, which is helpful for understanding post-conflict reconstruction and its goals. The article *Toward Post-conflict Reconstruction*, written by John J. Hamre and Gordon R. Sullivan, further deals with the goals and strategies of post-conflict reconstruction. It offers

a theoretical model of post-conflict reconstruction process and suggests four interrelated pillars that include steps that need to be done. An alternative view on pillars of post-conflict reconstruction is proposed by the co-authors of the book *Leashing the Dog of War*, Daniel Serwer and Patricia Thomson. Czech scholar Šárka Waisová also addresses post-conflict reconstruction, its issue areas and phases. The concept of security sector reform in post-conflict countries is encompassed in the work of Michael Brzoska and Andreas Heinemann-Grüder or Heiner Hänggi.

Definitions of PMCs vary across the academic literature. The thesis worked within definition of PMC included *From Mercenaries to Market: The Rise and Regulation of Private Military Companies* by Simone Chesterman and Chia Lehnardt. Among Czech scholars, private military companies are a domain of Oldřich Bureš and Vendula Nedvědícká, the authors of the book *Soukromé vojenské společnosti: Staronoví aktéři mezinárodní bezpečnosti [Private Military Companies: Old yet New Actors in International Security]*, which covers definitions, typology, historical background and dilemmas stemming from the use of PMCs. The second chapter of the thesis uses primary sources from the field of international law including *Protocol Additional to the Geneva Conventions of 12 August 1949 and UN Resolution A/RES/44/34*. These documents reflected the effort of international community to define mercenaries. The insight into these documents is useful in order to classify differences between mercenary and PMC. In this thesis, the typology of PMCs proposed by Peter W. Singer in the article *Humanitarian Principles, Private Military Agents: Implication of the Privatized Military Industry for the Humanitarian Community* is mainly used. This typology has faced problems regarding categorization of individual PMCs; however, it serves as a tool to understand the differences among a variety of PMCs that exist on the market. While few scholars deal with the utilization of PMCs for the security sector reform in theoretical perspective, Elke Krahnmann and Francesco Mancini both offer differing views on the involvement of PMCs in SSR, which will be discussed at the end of second chapter.

The third chapter uses a number of sources in order to examine the historical development of the use of PMCs by the US government. In their book, Oldřich Bureš and Vendula Nedvědícká cover all periods of the US military history with respect to PMCs. Authors dealing with the history of incorporation of PMCs into American warfare are

Deborah Kidwell, Christopher Kinsey and Scott Horton. The report from the Congress of the United States, *Logistic Support for Deployed Military Forces*, is a useful primary source which includes the cooperation of PMCs and the US army since 1700s until 2005.

A relevant secondary source focusing on the role of individual PMCs during Iraq War is the book *Shadow Force: Private Military Contractors in Iraq*, by David Isenberg. The author examines the role of main PMCs in Iraq, including the training of Iraqi security forces. However, the author does not address the evaluation of the training provided by PMCs. In addition to the book, the articles from David Isenberg are widely cited throughout the thesis. Various reports from think-tanks such as the RAND Corporation, the Center for Strategic and International Studies (CSIS) and the United States Institute of Peace (USIP) represents useful sources dealing with the development of security sector reform in Iraq. The obstacles of the progress of security sector in Iraq were further studied through the reports of Special Inspector General for Iraq Reconstruction (SIGIR). The SSR tasks performed by PMCs were included mainly in the articles of *The Washington Times* and *The New York Times*. These electronic newspapers are also useful for understanding of the feelings of Iraqi population towards PMCs.

1 Post-conflict reconstruction and security sector reform

The goal of the beginning of the chapter is to introduce problems which post-conflict countries face and to define actors and objectives of post-conflict reconstruction. Afterwards, I will outline phases of the reconstruction process which are determined by the scope of an involvement of external actors. In the third part of the chapter, I will further explore four pillars of post-conflict reconstruction which contain methods for the solution of problems of post-conflict countries. The pillars represent individual issue areas that provide theoretical framework and strategies of post-conflict reconstruction process. I will further elaborate on the subject of first pillar. Main focus will be on difficulties which affected countries need to solve in the security sector area. I will introduce components of security sector that are encompassed in the security sector reform (SSR). At the end of the first chapter, I will examine relatively new concept of SSR and the main aims of the reform. Although each country requires specific approach, there are recommendations that can be understood as a model for the actors of SSR. The players of post-conflict SSR face for example difficulties related to legacy of past conflict. Last but not least, I will briefly discuss the role of traditions and culture that need to be taken into consideration when designing SSR.

1.1 Process of post-conflict reconstruction

Post-conflict countries are fragile, unstable and violence-prone. They suffer from severe economic conditions and risk of renewal of the conflict. After the conflict ends, the affected countries together with support of external actors need to begin with a reconstruction process in order to recover and prevent the re-emergence of violence. According to the World Bank, post-conflict reconstruction³ “*supports the transition from conflict to peace in an affected country through the rebuilding of the socioeconomic framework of the society.*”⁴ The term reconstruction does not necessarily address the

³ In the available literature the term peacebuilding is often used as a synonym of post-conflict reconstruction. Zavičáková, L. (2008) Činnost Komise pro budování míru: teorie a praxe. In: Bureš, O. (ed.) Teorie a praxe postkonfliktní rekonstrukce (Plzeň: Aleš Čeněk), p. 88.

⁴ The World Bank (1998) Post-conflict Reconstruction. The Role of the World Bank. p. 14, <http://documents.worldbank.org/curated/en/1998/04/693637/post-conflict-reconstruction-role-world-bank>

rebuilding of the socioeconomic framework which had already existed in the country prior to the conflict. It is probable that conditions preceding the outbreak of the violent conflict contributed to the emergence of the conflict itself and hence, the return to the past may not be desirable. Rather, the term reconstruction refers to rebuilding of “*enabling conditions for a functioning peacetime society in the economy and society and in the framework of governance and rule of law.*”⁵ In addition to rebuilding of institutions, the reconstruction process includes but the establishment of completely new institutions. As Krishna Kumar notes, the objective “*of reconstruction is not to go back to precrisis conditions but to move in a different direction.*”⁶

On the post-conflict reconstruction participate international actors as well as the states affected by a conflict, and cooperation of both is vital for a successful recovery. The willingness of local population to work on post-conflict reconstruction and reach long-lasting settlement is one of the most crucial prerequisites for positive achievements. External actors then provide essential support and assistance in the process. “*Primary responsibility and leadership roles must rest with the people of the country in question. [...] The international community can play a critical role in providing assistance.*”⁷ Michael Doyle and Nicholas Sambanis also state, “[...] *few peacebuilding plans work unless regional neighbours and other significant international actors desist from supporting war and begin supporting peace.*”⁸

International actors can achieve short to medium-term goals of the post-conflict reconstruction, however long-term objectives such as solving the problems which caused the conflict cannot be reached without the effort of local actors. “*The goal, during the short-to-medium run, is to create a minimally capable state, not to build a nation or address all the root causes that imperil peace. Those goals involve a longer-term process that is beyond the scope of what external actors can achieve or lead; actors within the*

⁵ World Bank (1998), p. 14.

⁶ Kumar, K. (1997) *Rebuilding of Post-Conflict Societies After Civil War. Critical Roles for International Assistance.* (Boulder, London : Lynne Rienner Publishers), p. 3.

⁷ Hamre, J. and Sullivan, G. (2002) *Toward Post-conflict Reconstruction.* *Washington Quarterly.* 24 (3): 92.

⁸ Doyle, M. W. and Sambanis, N. (2000) *International Peacekeeping: A Theoretical and Quantitative Analysis.* *American Political Science Review.* 94 (4): 781.

country itself must do so."⁹ Long-term objectives include prevention of the outbreak of violence as well as prevention of renewal of violence in the country where conflict took place.¹⁰ Also, Šárka Waisová notes that the goal of post-conflict reconstruction is also the establishment of democratic regime, which in many cases means building of new political system.¹¹ Vlastimil Herman, however, claims that post-conflict reconstruction must be sensitive to the historical roots and must respect the traditions and culture of the post-conflict country.¹² Thus, each country faces different challenges and requires specific strategy of post-conflict reconstruction, which addresses the history, traditions and needs of the country.

Regardless of the differences among post-conflict countries and the need of individual approaches, there is a theoretical framework describing phases of post-conflict reconstruction and key principles of its strategies. Such framework represents a useful theoretical basis for planning design of post-conflict reconstruction and it will be further elaborated in the chapter 1.3.

1.2 Phases of post-conflict reconstruction

When does the post-conflict reconstruction start? Peace and conflict researchers Stephen Ryan or John Hamre and Gordon Sullivan claim that post-conflict reconstruction starts after the violence ends. Stephen Ryan suggests five stages of the conflict, which require different strategies of action. In his model post-conflict reconstruction starts after the conflict de-escalates and the peace is installed (table 1).¹³

Furthermore, John Hamre and Gordon Sullivan claim that the term post-conflict reconstruction does not suggest that the conflict in the whole country has terminated. "*The term post-conflict applies to those areas where conflict has indeed subsided, but not*

⁹ Hamre and Sullivan (2002), p. 90.

¹⁰ Waisová, Š. (2011) Řešení konfliktů v mezinárodních vztazích (Plzeň: Aleš Čeněk), p. 115.

¹¹ Waisová (2008) *Poválečná obnova a budování míru. Role a strategie mezinárodních nevládních organizací* (Brno: Mezinárodní politologický ústav), p. 25.

¹² Herman, V. (2008) *Obnova Iráku: Pohled vojáka z povolání*. In: Bureš (ed.) (2008), p. 47

¹³ Ryan, S. (2000) *United Nations Peacekeeping: A Matter of Principles?* In: Ramsbotham, O. And Woodhouse, T. (eds.) (2000) *Peacekeeping and Conflict Resolution* (London, Portland: Franc Cass Publishers), p. 34.

necessarily to all parts of a nation's territory."¹⁴ Their interpretation addresses only those parts of the state where the violence ceased and reconstruction efforts could have started. Therefore, post-conflict reconstruction takes place in those areas where the violence ended and it continues until the normalization. According to John Hamre and Gordon Sullivan the term normalization is a state when:

1. Extraordinary outside forces are no longer needed;
2. The process of governance and economic activity largely function on a self-determined and self-sustaining basis;
3. Internal and external relations are conducted according to generally accepted norms of behaviour.¹⁵

Thus, post-conflict reconstruction starts in those areas with the absence of violence. Post-Conflict Reconstruction Task Framework further divides the process of post-conflict reconstruction into three phases. The main determinant is the character of the involvement of actors in the post-conflict reconstruction:

1. First phase, *initial response*, starts right after the conflict terminates. It is often characterized by military intervention for basic security, stability and emergency services;
2. *Transformation phase* focuses on developing legitimate and sustainable indigenous capacity, often with special attention to restarting the economy, establishing mechanisms for governance and participation, and securing a foundation of justice and reconciliation;
3. *Fostering sustainability* is a final phase and consolidates long-term recovery efforts, often leading to the withdrawal of all or most of the international military involvement.¹⁶

The first stage represents the highest danger of re-emergence of violence and it lasts approximately 5 years. Within this period of time after the end of the fights, a country faces

¹⁴ Hamre and Sullivan (2002), p. 90.

¹⁵ CSIS and the Association of the United States Army (AUSA) (2002) Post-Conflict Reconstruction Task Framework, p. 2. <http://csis.org/images/stories/pcr/framework.pdf>

¹⁶ CSIS and AUSA (2002), p. 2.

around 44 % risk of falling into a renewed violent conflict.¹⁷ The last stage, if successful, lays the foundation for the prevention of the violent conflict in the future. The length of each phase varies according to the conditions of given country and moreover, the phases of the framework may overlap. In addition to that, it is important to bear in mind that only some tasks described in each phase may occur in a given time due to peculiarities of different post-conflict countries, which require distinctive actions.¹⁸

1.3 Pillars of post-conflict reconstruction

Post-conflict country faces problems such as corruption, clientelism, patrimonialism, collapsed legitimacy of the government, absence of rule of law, continued exclusion of targeted group in the society, ineffective reconciliation process, poverty, dysfunctional security sector, mistrust in public authorities and cross-border conflicts.¹⁹ Post-conflict reconstruction encompasses the activities that address these challenges. Tasks of post-conflict reconstruction can be divided into four interrelated pillars or issue areas. Each pillar is composed of a set of steps and activities. These can be further divided into three phases of post-conflict reconstruction classified in previous paragraph.²⁰ Security, good governance, justice and law enforcement are considered critical elements for the development of fragile states, that is a reason why they are the subjects of post-conflict reconstruction.

Security is the issue area of first pillar which includes protection of citizens, relief workers and international observers. According to the framework of John Hamre and Gordon Sullivan, it covers demobilization, disarmament and reintegration process. Security pillar encompasses security sector reform (SSR), which further incorporates (re-)building of security institutions such as Ministry of Interior, Ministry of Defence, and reform of

¹⁷ Collier, P. (et al.) (2003) Breaking the Conflict Trap. Civil War and Development Policy. A World Bank Policy Research Report, p. 83. <http://homepage.mac.com/stazon/apartheid/files/BreakingConflict.pdf>

¹⁸ CSIS and AUSA (2002), p. 2.

¹⁹ UN Department of Economic and Social Affairs (DESA) (2007) Governance Strategies for Post-Conflict Reconstruction, Sustainable Peace and Development. UN DESA Discussion Paper – GPAB/REGOPA Cluster, pp. 4-6, <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan028332.pdf>; Brzoska, M. and Heinemann-Grüder, A. (2004) Security Sector Reform and Post-Conflict Reconstruction under International Auspices. In: Bryden, A. and Hänggi, H. (eds.) Reform and Reconstruction of the Security Sector. (Geneva: Geneva Centre for the Democratic Control of Armed Forces [DCAF]), p. 130.

²⁰ Hamre and Sullivan (2002), p. 91.

police forces, army and border guards. Security pillar *“addresses all aspects of public safety, in particular, creating a safe and secure environment and developing legitimate and effective security institutions.”*²¹ Daniel Serwer and Patricia Thomson distinguish between two goals related to security. Safe and secure environment should be achieved through protection of civilians and critical buildings, and secondly rule of law should be ensured via establishment of effective security forces.²² Safe and secure environment is understood as the one *“in which the population has the freedom to pursue daily activities without fear of politically motivated, persistent, or large scale violence.”*²³ Ensuring the security is a key step for accomplishing following three pillars.

Second, justice and reconciliation pillar covers rebuilding of justice system that should enable effective law enforcement mechanism and punishment of crimes. Well functioning justice system allows for successful reconciliation and therefore gives the post-conflict country the chance to cope with its past. Second pillar *“addresses the need to deal with past abuses through formal and informal mechanisms for resolving grievances arising from conflict and to create an impartial and accountable legal system for the future, in particular, creating an effective law enforcement apparatus, an open judicial system, fair laws, and a humane correction system.”*²⁴ The goal of the rule of law, as set by David Serwer and Patricia Thompson, belongs into second pillar as well. Besides building effective security forces it involves establishment of coherent, legitimate, and just legal frameworks. Moreover, building independent and effective judiciary is an essential step to ensure rule of law.²⁵

Third pillar, social and economic well-being, is a two-fold concept. First, it involves delivery of vital services such as humanitarian assistance or protection of the population from starvation and diseases. Second, it encompasses social and an economic development of the country. Successful implementation of both aspects of this third pillar form an

²¹ Hamre and Sullivan (2002), p. 91.

²² Serwer, D. and Thomson, P. (2008) A Framework for Success: International Intervention in Societies Emerging from Conflict. In: Chester, C. A., Hampson, F. O. and Aall, P. (eds.) (2008) Leashing the Dogs of War: Conflict Management in a Divided World (Washington: USIP Press), p. 371.

²³ Cole, B. (ed.) (2009) Guiding Principles for Stabilization and Reconstruction (Washington: USIP Press), p. 38.

²⁴ Hamre and Sullivan (2002), p. 91.

²⁵ Serwer and Thompson (2008), p. 371.

essential precondition for successful reconstruction. “[...] *The promotion of macroeconomic reconstruction and stabilization is one key determining factor for sustainable long-term reconstruction.*”²⁶ Third pillar “*addresses fundamental social and economic needs, in particular, providing emergency relief, restoring essential services to the population in areas such as health and education, laying the foundation for a viable economy, and initiating an inclusive and sustainable development programme.*”²⁷ When the basic needs are guaranteed, economic recovery should address infrastructure reconstruction, support to sound fiscal policy, creating viable workforce, promoting business development etc.²⁸

Fourth pillar applies to governance and participation that “*addresses the need to create legitimate, effective political and administrative institutions and participatory processes, in particular, establishing a representative constitutional structure, strengthening public-sector management and administration, and ensuring the active and open participation of civil society in the formulation of the country’s government and its policies.*”²⁹ Governance includes a set of rules and procedures for decision-making process and participation addresses involvement of civil society in decision-making process. Only transparent, credible and participatory government can gain the legitimacy and solve challenges of transitional period. The overview of four pillars and examples of activities involved is provided in the table 2.

All the pillars are intertwined and reconstruction efforts can succeed only if progress in all four pillars is coherent. However, provision of security is a prerequisite for the progress in the rest of the pillars.³⁰ Ensuring collective as well as individual security from military, environmental, political, cultural and societal threats is one of the preconditions for successful reconstruction. Only secure environment allows for implementation of reforms in justice, social and economic areas as well as in the governance. For example, only a country with secure environment can regain the trust of

²⁶ UN DESA (2007), p. 16.

²⁷ CSIS and AUSA (2002), p. 3.

²⁸ Serwer and Thompson (2008), p. 371.

²⁹ Hamre and Sullivan (2002), p. 91.

³⁰ Feil, S. (2002) Building Better Foundations: Security in Postconflict Reconstruction. *The Washington Quarterly*. 25(4): 98.

investors and allows for economic development.³¹ Nonetheless, post-conflict security sector is often prevented from the ability to fulfil its tasks for various challenges.

1.3.1 Characteristics and composition of security sector in a post-conflict country

Post-conflict security sector suffers from shortcomings which prevent security forces to protect civilians, relief workers and critical infrastructure, and ensure stable environment.³² Post-conflict security sector is characterised by politisation, ethnisation, corruption, and excessive military spending. Among other attributes belong lack of professionalism, poor oversight, and inefficient allocation of resources.³³ State monopoly over the legitimate use of force is often disrupted and security institutions paralysed. Furthermore, post-conflict security sector faces deficiencies such as weak state institutions, influential armed and other security forces, both statutory and non-statutory, and precarious economic conditions.³⁴ Each post-conflict country experiences different challenges, John Ohiorhenuan, however, defines four common characteristics of post-conflict security sector:

1. Bloated military apparatuses that drain economic resources;
2. Military and police forces that frequently play major role in politics and the economy, and which may be incompetent, abusive and corrupt;
3. Armed groups/militias posing significant threats to individual/community security;
4. Dysfunctional civil – military relations.³⁵

Definition of what constitutes the security sector is still evolving. However, consensus in the available literature suggests that the scope of security sector goes beyond

³¹ UN DESA (2007), p. 17-18.

³² A stable environment is defined as the “one, in which violence-prone groups such as insurgents or criminals are subordinated to legitimate governmental authority, reintegrated into society, or defeated.” Jones, S. G. (et al.) (2005) *Establishing Law and Order After Conflict*. (Santa Monica: RAND Corporation), p. 3.

³³ Brzoska and Heinemann-Grüder (2004), p. 121.

³⁴ Hänggi (2004) *Conceptualizing Security Sector Reform and Reconstruction*. In: Bryden and Hänggi (eds.) (2004), p. 8.

³⁵ Ohiorhenuan, J. cited according to UN DESA (2007), p. 17.

the state-centric approach.³⁶ The Development Assistance Committee (DAC) of the Organization of Economic Cooperation and Development (OECD) gives a four-fold definition of the security sector composition. First, core security actors such as armed forces, police, gendarmerie, border guards, customs and immigration, intelligence, and security services are included. Second, it encompasses security management and oversight bodies including ministries of defence and internal affairs, financial management bodies and public complaints commission. Third, security sector includes justice and law enforcement institutions such as judiciary, prisons, prosecution services, and traditional justice system. Finally, part of the security sector is formed by non-statutory security forces, which include private military companies, guerrilla armies, and private militia.³⁷ Such a myriad of state and non-state actors makes security sector a very complex area. Different perspective on the security sector was presented by Dylan Hendrickson who divides the key bodies of security sector into three pillars:

1. Groups with a mandate to wield the instruments of violence – military, paramilitaries and police forces;
2. Institutions with a role in managing and monitoring the security sector – civilian ministries, parliaments and NGOs;
3. Bodies responsible for guaranteeing the rule of law – the judiciary, the penal system, human rights ombudsmen and, where these bodies are particularly weak, the international community.³⁸

Characteristics of the post-conflict security sector are obstacles for economic and social development. Reform of dysfunctional security sector is a key step for secure and stable environment, maintenance of peace and overall development of post-conflict country. *“SSR is viewed by peacekeepers and development actors as key to success in the*

³⁶ Hänggi (2004), p. 4; Krahnemann, E. (2007) Transitional states in search of support: Private military companies and security sector reform. In: Chesterman, S. and Lehnardt, C. (eds.) (2007) *From Mercenaries to Market: The Rise and Regulation of Private Military Companies* (New York: Oxford University Press), p. 9; OECD (2007) *OECD DAC Handbook on Security System Reform: Supporting Security and Justice*, p. 5, <http://www.oecd.org/dataoecd/43/25/38406485.pdf>

³⁷ OECD (2007), p. 5.

³⁸ Hendrickson, D. (1999) *A Review of Security-Sector Reform. The Conflict, Security & Development Group Working Paper No. 1*, p. 29.

overall reconstruction effort.”³⁹ Since local security forces are usually dissolved after a conflict terminates or lose the legitimacy for the participation on the violence, they cannot provide the security for the citizens after the conflict ends. Therefore, the actors of post-conflict reconstruction need to focus on the provision of physical security and then on the rebuilding of security sector that would support the peace and security in the future. Officials of the UN Department of Economic and Social Affairs claim that “*reform of this [security] sector needs to be initiated to avoid a situation of fragility in the gained peace and to avoid relapse into conflict.*”⁴⁰

1.3.1.1 Security sector reform in post-conflict countries

The significance of security sector reform started to be acknowledged in the end of 1980s with the civil society as its driving force.⁴¹ The concept of SSR was gradually designed in the 1990s by development donors.⁴² SSR aims to effectively ensure the security of citizens and prevent the outbreak of conflict with respect to democratic principles. The goal of SSR is to establish “*the efficient and effective provision of state and human security within the framework of democratic governance.*”⁴³ OECD sets challenges of SSR, which all states face:

1. Developing a clear institutional framework for providing security that integrates security and development policy and includes all relevant actors;
2. Strengthening the governance of the security institutions;
3. Building capable and professional security forces that are accountable to civil authorities.⁴⁴

³⁹ Hänggi (2004), p. 4.

⁴⁰ UN DESA (2007), p. 18.

⁴¹ Kinsey, Ch. (2007) Private Security Companies: Agents of Democracy or Simply Mercenaries? In: Jäger, Thomas and Kümmel, Gerhard (eds.) (2007) Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects (Wiesbaden: VS Verlag für Sozialwissenschaften), p. 93.

⁴² Brzoska and Heinemann-Grüder (2004), p. 123.

⁴³ Hänggi (2004), p. 1.

⁴⁴ OECD (2007), p. 13.

Concept of SSR lacks a unified model which could be applicable to different affected countries because of their various characteristics.⁴⁵ Yet, history of those countries which undergone post-conflict SSR gives a record of basic analogous actions which can be identified for a basic model of post-conflict SSR. By examining four security sector reforms in four different countries, John Ohiorhenuan defined four common steps undergone by actors of SSR:

1. Restructuring of the military: downsizing and salary review;
2. Integration of armed groups into national army and police;
3. Re-training military and police;
4. Re-integration packages for ex-combatants.⁴⁶

Besides the steps defined by John Ohiorhenuan, reconstruction of security sector should address *“necessity of rebuilding domestic public security institutions, and particularly to re-establish a legitimate monopoly of violence.”*⁴⁷ In order to ensure security in the post-conflict country, SSR focuses on rebuilding of essential public institutions such as ministries of defence and ministries of interior, and bodies such as police, army and border control guards. These positive actions aim at enhancing security in the country and allow for the civil society participation without fear. While designing security institutions and reforming security forces, actors of SSR should promote transparency, public accountability and civilian control of security sector.⁴⁸

SSR does not focus only on the military sector. SSR is as complex as actors of the security sector identified by the OECD (chapter 1.2.1). Therefore effective SSR involves military sector, security and justice institutions and non-statutory security forces such as militias and PMCs. Elke Krahnmann emphasizes the need for holistic approach because only SSR encompassing all the actors of security sector can be efficient. *“Security sector reform*

⁴⁵ SSR can be pursued in the development, post-authoritarian or post-conflict contexts, which all demand different approaches. For more information see Hänggi (2004), pp. 6-8.

⁴⁶ Ohiorhenuan cited according to UN DESA (2007), p. 18.

⁴⁷ Brzoska and Heinemann-Grüder (2004), p. 122.

⁴⁸ Krahnmann (2007), p. 96.

*must incorporate the transformation of all political and societal forces that either legitimately or illegitimately control collective means of violence.”*⁴⁹

Post-conflict security sector reform is considered the most challenging form of SSR⁵⁰ because it has to deal with legacy of past conflict. While sufficient domestic capacities are being developed, security in post-conflict countries has to be often provided by international actors. Besides focusing on the steps of security sector reform described above, post-conflict SSR incorporates disarmament, demobilization and reintegration of former combatants. According to Heiner Hänngi post-conflict countries, where foreign military intervention preceded the post-conflict reconstruction process, face especially adverse environment for the implementation of SSR.⁵¹

Security sector reform *“is often externally driven and funded process.”*⁵² International actors can play a principal role in post-conflict SSR, nonetheless, the reform has to be designed by local actors or with their consent. Even if the international military intervention has been launched and thus internal sovereignty of the post-conflict country limited, characteristics of the domestic society have to be taken into consideration when planning SSR.⁵³ Domestic authorities should shape the form of the security sector reconstruction; otherwise it will have a low chance to succeed. The effort of local actors and assistance of external countries are vital for the progress.

Security sector reform promoted by external actors can lead to more efficient development due to the provision of security and capacity building. However, external actors cannot expect that SSR will lead to a regime change. Democratization process requires constitutionalism, formation of democratic institutions and respect to democratic norms and values. SSR in post-conflict countries *“is not yet about the agenda of democratic consolidation.”*⁵⁴

⁴⁹ Krahmman (2007), p. 96.

⁵⁰ SSR can be implemented in a post-conflict context, developmental context and post-authoritarian context. Hänngi (2004), pp. 11-15.

⁵¹ Hänngi (2004), pp. 13-14.

⁵² Mancini, F. (2005) In Good Company? The role of business in security sector reform (London: Demos), p. 37.

⁵³ Brzoska and Heinemann-Grüder (2004), p. 130.

⁵⁴ Brzoska and Heinemann-Grüder (2004), p. 129.

Security sector reform has become a business for private military companies which are hired either by donor countries or domestic authorities. Donor countries are usually reluctant to send sufficient amount of military professionals, who would provide military training and expertise, and post-conflict countries themselves often lack military personnel.⁵⁵ Hiring PMCs has become a solution to the problem of expert shortage in a process of SSR. PMC's role in the security sector reconstruction will be discussed more deeply in the end of the chapter 2.4. Before analysing the activities of PMCs in the course of security sector reform, I will first clarify the definition and typology of private military companies.

⁵⁵ Krahmman (2007), p. 99; Giustozzi, A. (2008) Shadow Ownership and SSR in Afghanistan. In: Donais, T. (ed.) (2008) Local Ownership and Security Sector Reform (Munich, Hamburg, London: LIT-Verlag for DCAF), p. 215.

2 Definitions and typology of private military companies

The aim of the second chapter is to discuss definitions and typology of private military companies, which is important in order to further analyse the activities of PMCs in the security sector reform in post-conflict countries. So far, there is no accepted definition of PMCs either in international law or among scholars of security studies. Private military companies have often been considered mercenaries for the historical links⁵⁶ and some similar characteristics. Therefore, I will first introduce definitions of mercenary and PMC, which will help to find similarities and differences between those two entities. Second, I will focus on the definition of mercenary in international law and identify the distinctions from the PMC. Majority of authors, for example Sarah Percy, Simone Chesterman and Chia Lehnardt, distinguish between private military and private security companies (PSCs).⁵⁷ Third part of the chapter will, thus, present the debate in the academic literature about the differences between those two types of private military force. Fourth, I will outline the typologies of PMCs and services they provide. Last part of the chapter will explore the role of PMCs in the course of security sector reform from the theoretical perspective.

2.1 Definitions of PMCs

Hiring foreigners as personnel for combat services occurred already in the ancient times.⁵⁸ These private soldiers existing for centuries have been known as mercenaries and from the literature we can specify three main criteria defining them. In general, mercenaries are considered military actors who are foreign to the conflict, they take part directly in the combat and they fight for financial profit. For example Kim Richard Nossal sets two elements defining mercenary. *“First, the foreignness of the military service being provided and second, the primacy of remuneration or economic gain as the motivation for that service.”*⁵⁹ David Perry defines mercenary as *“individual combatants or informal groups of*

⁵⁶ Historical links will be further discussed in the third chapter.

⁵⁷ Percy, S. (2007a) Mercenaries and regulation. In: Chesterman and Lehnardt (eds.) (2007), p. 12.

⁵⁸ Nossal, K. R. (1998) Rolland Goes Corporate: Mercenaries and transnational security corporations in the post-war era. *Civil Wars*. 1(1): 19.

⁵⁹ Nossal (1998), p. 18.

former soldiers selling their services to the highest bidder."⁶⁰ Therefore, mercenaries fight for those who hire them and their main motive to fight is not the cause of the conflict but a financial gain.

David Isenberg, analyst of military, national and international security issues, states that the formation of mercenary in the Middle Ages could be considered antecedent of private military sector.⁶¹ So far there is no internationally accepted definition of private military company and for historical links and obsolescence of international law PMCs tend to be labelled as mercenary.⁶² Nonetheless, PMCs differ from mercenaries in important ways and therefore definition of mercenaries cannot be applied in their case. "*Legitimate PMCs do not constitute mercenaries under any of the existing legal (national or international) or otherwise established definitions today – themselves deeply problematic.*"⁶³ Steven Brayton states that although private military companies fulfil some of the criteria of mercenaries, there are significant features which distinguish PMCs from the latter. In contrast to mercenaries, PMCs:

1. Present a distinctly corporate image;
2. They openly defend and advertise their usefulness and professionalism;
3. They use internationally accepted legal and financial instruments to secure their commercial arrangements;
4. They support only recognized governments, avoiding regimes unpalatable to the international community.⁶⁴

PMCs are regarded as a new form of mercenaries. They are business entities with professional approach. PMCs differ mainly in their corporate structure, legitimacy of clients they work for and scope of services they provide. For example the private military company Sandline International states that it "*only undertakes projects which are for*

⁶⁰ Perry, D. (2009) The privatization of the Canadian military: Afghanistan and beyond. *International Journal*. 64(3): 688.

⁶¹ Isenberg, D. (2009) *Shadow Force: Private Security Contractors in Iraq* (Westport, Connecticut, London: Greenwood Publishing Group), p. 5.

⁶² Bureš and Nedvědická V. (2011b) *Soukromé vojenské společnosti: Staronoví aktéři mezinárodní bezpečnosti* (Plzeň: Aleš Čeněk), p. 19.

⁶³ O'Brian (2007), p. 31.

⁶⁴ Brayton, S. (2002) Outsourcing War: Mercenaries and the Privatization of Peacekeeping. *Journal of International Affairs*. 55(2): 306.

*internationally recognized governments, international institutions such as the UN and genuine, internationally recognized and supported liberation movements.*⁶⁵ Concerning the corporate nature of the companies, David Isenberg states that it is relatively new characteristic of private forces, which used to be organized rather clandestinely.⁶⁶ Peter Singer claims that PMCs are “*corporate evolution of the age-old practice of mercenaries.*”⁶⁷ Mercenaries are usually able to provide services aimed for direct combat or special military training services only.⁶⁸ Contrary to mercenaries, PMCs are profit-driven companies working for wide range of clients such as international organizations, humanitarian groups, national governments, and they offer wide range of services including armed as well as unarmed military support.⁶⁹ In contrast to mercenaries, PMCs are capable to provide services such as “*conducting tactical combat operations, strategic planning, intelligence, operational and logistical support, troop training, and technological assistance.*”⁷⁰

2.2 Definitions in international law

In order to understand the differences between mercenary and PMC, it is necessary to mention how they are addressed by international law. In the Article 47 of *Protocol Additional to the Geneva Conventions* from 1977, a mercenary is defined as a person who:

- a. Is specially recruited locally or abroad in order to fight in an armed conflict;
- b. Does, in fact, take a direct part in the hostilities;
- c. Is motivated to take part in the hostilities essentially by the desire for private gain, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;

⁶⁵ Sandline International, <http://www.sandline.com/site/>

⁶⁶ Isenberg (2009), p. 4.

⁶⁷ Singer, P. W. (2004a) *The Private Military Industry and Iraq: What have we learned and where to next?* Geneva Centre for the Democratic Control of Armed Forces (DCAF), Policy paper, p. 1.

⁶⁸ Bureš and Nedvědícká (2011b), p. 20.

⁶⁹ Perry (2009), p. 688.

⁷⁰ Singer (2004a), p. 1.

- d. Is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
- e. Is not a member of the armed forces of a Party to the conflict; and
- f. Has not been sent by any State, which is not a Party to the conflict on official duty as a member of its armed forces.⁷¹

This definition is not completely sufficient because hardly anybody can fulfil all the criteria in order to be defined as mercenary. For example Kevin A. O’Brian sees problematic the fact that in order to be defined as mercenary all the parameters of the definition need to be applied. Furthermore, he criticizes the definition for the lack of the description of the activities of mercenaries, which could help to define them more precisely. Hence, this international definition is according to Kevin A. O’Brian “*unworkable as a legal instrument.*”⁷² Since a proper definition is missing, the legal prosecution of mercenaries is difficult to reach.

The definition in Article 47 cannot be applied to private military company. According to David Isenberg, PMC does not comply with the criteria outlined in points b) and d). First, not all of those working for PMCs take a direct part in the hostilities. “*Some of their [PMCs] consultancy services are extremely white-collar, involving work such as sitting in front of computer consoles [...] and monitoring convoy movements.*”⁷³ Second, PMCs can hire employees who are nationals of a party to the conflict. Regarding the private military contractors in Iraq, many of their workers are Iraqi.⁷⁴

Mercenarism is condemned by the United Nations as illegal, which is stated for example in the *International Convention against the Recruitment, Use, Financing and Training of Mercenaries*.⁷⁵ The definition of mercenary in the Convention is wider and it complements the criteria set in the *Article 47* with the following elements. Mercenary is also a person who:

⁷¹ Protocol Additional to the Geneva Conventions of 12 August 1949. International Humanitarian Law – Treaties and Documents, <http://www.icrc.org/ihl.nsf/WebART/470-750057>

⁷² O’Brian, K. A. (2007) What should and what should not be regulated? In: Chesterman and Lehnardt (eds.) (2007), p. 34

⁷³ Isenberg (2009), p. 7.

⁷⁴ Isenberg (2009), p. 7.

⁷⁵ UN General Assembly (1989) International Convention against the Recruitment, Use, Financing and Training of Mercenaries. A/RES/44/34, <http://www.un.org/documents/ga/res/44/a44r034.htm>

- a. Is specially recruited locally or abroad for the purpose of participating in a concerted act of violence aimed at:
 - i. Overthrowing a Government or otherwise undermining the constitutional order of a State; or
 - ii. Undermining the territorial integrity of a State;
- b. Is motivated to take part therein essentially by the desire for significant private gain and is prompted by the promise or payment of material compensation;
- c. Is neither a national nor a resident of the State against which such an act is directed;
- d. Has not been sent by a State on official duty; and
- e. Is not a member of the armed forces of the State on whose territory the act is undertaken.⁷⁶

While Article 47 can be applied only to international conflicts and wars for national liberation, definition on mercenary in the Convention covers more types of conflict and therefore it is more applicable for today since interstate conflicts currently prevail.⁷⁷ Despite the clarification of definition of mercenary, the Convention lacks the support of the member states including permanent members; so far only 32 countries ratified or accessed⁷⁸ it.⁷⁹ Oldřich Bureš and Vendula Nedvědícká explain that the states are reluctant to ratify the Convention because it requires the employees of PMCs to be accused of mercenarism on the territory of those states, which ratified it.⁸⁰ Hence, despite the efforts of international community, mercenaries have not been explicitly prohibited by international law yet.

⁷⁶ UN General Assembly (1989)

⁷⁷ Cleaver, G. (2000) Subcontracting military power: The privatization of security in contemporary Sub-Saharan Africa. *Crime, Law & Social Change*. 33(1-2): 132.

⁷⁸ Accession is an act by which a State signifies its agreement to be legally bound by the terms of particular treaty. For more information see Introduction to the Convention on the rights of the child: Definition of key terms. UNICEF. <http://www.unicef.org/crc/files/Definitions.pdf>

⁷⁹ International Convention Against the Recruitment, Use, Financing and Training of Mercenaries. UN Treaty Collection, http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-6&chapter=18&lang=en

⁸⁰ Bureš and Nedvědícká (2011b), p. 27.

2.3 Combat and non-combat PMCs

Academic literature often makes a distinction between private military company and private security company, which can be also called non-combat PMC. Oxford University researcher Sarah Percy distinguishes between combat PMCs and non-combat PMCs. The author defines combat PMCs as *“tightly organized companies with a clear corporate structure that provide military services, including offensive combat, in exchange for payment, for states or other actors.”*⁸¹ Similarly to the combat PMCs, non-combat PMCs are organized in corporate structure and have wide scale of capabilities at their disposal. They provide services such as translation, transport, intelligence, close protection, assistance during security sector reform, training, logistics, support during post-conflict reconstruction, interrogation etc. Non-combat PMCs, as well as combat PMCs, work for wide range of actors such as governments, NGOs and international organizations.⁸² Contrary to combat PMCs, non-combat PMCs claim to refrain from a use of lethal force for offensive action. *“Non-combat PMCs are similarly organized companies that exchange military services stopping short of combat for payment.”*⁸³

For the purpose of this thesis, the terms PMCs and PSCs are understood according to the definition of Simone Chesterman and Chia Lehnard. Authors argue that PMCs include *“firms providing services outside their home states with the potential for use of lethal force, as well as training of and advice to militaries that substantially affects their war-fighting capacities.”*⁸⁴ According to these authors, the term private military company refers to a company which provides military services in the conflict zones, whereas private security company provides services in peaceful environment.⁸⁵ In the case of Iraq, the US private company Blackwater⁸⁶ signed a contract in August 2003 to deploy security guards

⁸¹ Percy (2007a), p. 12.

⁸² Percy (2007a), p. 13

⁸³ Percy (2007a), p. 13.

⁸⁴ Chesterman and Lehnardt (2007), p. 3.

⁸⁵ Chesterman and Lehnardt (2007), p. 3.

⁸⁶ Blackwater renamed itself three times. In 2001, it changed its name to Xe Services and in 2004, it was renamed to Academi. In this thesis, I will use the name Blackwater because it is most known among public. For more information see Ukman, J. (2011) Ex-Blackwater firm gets a name change, again. *The Washington Post*, http://www.washingtonpost.com/blogs/checkpoint-washington/post/ex-blackwater-firm-gets-a-name-change-again/2011/12/12/gIQAXf4YpO_blog.html

and provide two helicopters for Paul L. Bremer, administrator of the Coalition Provisional Authority (CPA) in Iraq.⁸⁷ Despite the fact that the task had a security character, Blackwater was operating in a country which was in a war. Similarly, DynCorp International was hired by the US Department of State (DOS) in 2003 to support law enforcement functions and provide training for Iraq National Police.⁸⁸ Therefore, the condition of stable environment cannot be applied and the companies working in Iraq would rather be defined as PMCs.

PSCs assert to use the force only in self-defence even though it can be difficult to draw the line between the offensive and defensive action. There is no clear distinction between the PMCs and PSCs because the gap between offensive and defensive operation has been blurred. Kevin A. O'Brien argues that the distinction between PMCs and PSCs has been eliminated because the armament of the latter has increased, which is a direct effect of the war in Iraq.⁸⁹ The difference between PMCs and PSCs is very narrow. In order to find the division line between the types of PMCs, it is more efficient to focus on various activities and services companies provide rather than on the potential use of lethal force, be it offensive or defensive one. The classification of services is a key to categorization of various types of PMCs and is discussed thoroughly in following part of the chapter.

2.4 Typology of PMCs

Private military industry is a diverse business sector with assorted types of private military companies of various size and focus. Private military industry includes small consultation firms as well as large companies established on corporate basis with extensive range of services. Since distinction of PMCs based on the use of lethal force has been unclear, various types of PMCs are classified according to services they provide.⁹⁰ Peter Singer distinguishes among three types of PMCs:

⁸⁷ Isenberg (2009), p. 76.

⁸⁸ Isenberg (2009), p. 92.

⁸⁹ O'Brien (2007), p. 35.

⁹⁰ O'Brien (2007), p. 40-41; Singer (2006) Humanitarian Principles, Private Military Agents: Implication of the Privatized Military Industry for the Humanitarian Community. Brookings Institution, p. 4, http://www.brookings.edu/~media/Files/rc/articles/2006/02defenseindustry_singer/singer20060307.pdf

1. Military provider firms offering direct, tactical military assistance including direct combat;
2. Military consulting firms employ retired senior and non-commissioned officers to provide military advice and training, however, they don't carry out operations themselves;
3. Military support firms, which provide logistics, intelligence and maintenance services.⁹¹

First group most resembles the traditional type of private military company existing already in the past stages of development of private industry sector.⁹² It includes individuals and ad hoc groups with military experience that can provide military training, combat support skills as well as leadership of direct combat.⁹³ Classical example of this type of firm is the company Executive Outcomes (EO) which formally terminated its activities in early 1999.⁹⁴ Majority of employees consisted of veterans of South African Defence Forces. EO was considered the first private military company which was based on corporate structure and had the capability to solve various types of military issues. *"It provided its clients with guns, bombs, gunships, jet fighters, military technicians, and the training needed for the client's military."*⁹⁵ EO was active in a number of African countries including Angola, Sierra Leone, Kenya and Uganda.⁹⁶ This category includes also the firm AirScan from the US and British company Sandline International.⁹⁷ The UN and other humanitarian agencies prefer to hire low-profile security providers such as Olive, Hart, Armorgroup-DSL, AKE and lately well-known Blackwater or Custer Battles.⁹⁸

Second type of PMCs employs retired military officials too. However, these firms do not take part in a direct combat. Contrary to that, they focus on strategic planning,

⁹¹ Singer (2006), p. 4.

⁹² Bureš and Nedvědícká (2011b), p. 32.

⁹³ Adams, T. (1999) *The New Mercenaries and the Privatization of Conflict. Parameters.* 29(2): 106.

⁹⁴ Singer (2008) *Corporate Warriors: The Rise of Privatized Military Industry* (Ithaca: Cornell University Press), p. 101

⁹⁵ Beutel, M. D. (2006) *Power Reconsidered: The Effects of Private Military Companies and the Need for Regulation Through International Collaboration.* Conference Papers - American Political Science Association, Annual Meeting, p. 4.

⁹⁶ Adams (1999), p. 109.

⁹⁷ O'Brian (2007), p. 39.

⁹⁸ Singer (2006), p. 3.

equipping and army training. Moreover, they offer services demanded by regular armies such as consulting, general staff training, multitask training, research and evaluation of dangerous and risk situations, safety audits and expert analyses.⁹⁹ As example of the second type of PMCs Peter Singer mentions the company Military Professional Resources Incorporated (MPRI) based in Washington.¹⁰⁰ MPRI presents itself as “*a recognized global leader in education, training, development and staffing solutions. We work closely with our customers worldwide to provide programs and support services that make a difference.*”¹⁰¹ MPRI’s first major project was the training and modernization of Croatian national army starting in 1994, which was considered a big success.¹⁰² Furthermore, AmorGroup/Defence Systems Ltd., Olive Security, Argus or Corps of Commissioners, Erinys, Group-4 and Janusian Security also belong into this category.¹⁰³

Third type of PMCs offers highly specialized services. These companies are smaller than previous two types and they do not use military or paramilitary methods. Range of services provided by the third type of PMCs covers personal protection, secure communication, signal intercept etc. Peter Singer lists Kellogg Brown & Root (KBR)¹⁰⁴ as the example of military support firm, which provides procurement, maintenance and transportation of military material, facilities and personnel.¹⁰⁵ Examples of companies that belong to this group are Halliburton and DynCorp which are both US based.¹⁰⁶ Peter Singer’s typology of PMCs becomes problematic when some companies provide complex services from two or all three categories. For example DynCorp and Aegis provide services in two and Sandline International and AirScan in all three categories of PMCs designed by Peter Singer (See table 3).

⁹⁹ Bureš and Nedvědicá (2011b), p. 33.

¹⁰⁰ Singer (2006), p. 4.

¹⁰¹ MPRI, What We Do, http://www.mpri.com/web/index.php/content/what_we_do/what_we_do/

¹⁰² Adams (1999), pp. 109-110.

¹⁰³ O’Brien (2007), p. 38.

¹⁰⁴ KBR was called Brown & Roots until 1998 and until 2007 it was owned by Halliburton. For the clarity of the paper, I will use only the name KBR apart from the original quotations. See for example KBR History, <http://www.kbr.com/About/History/>

¹⁰⁵ Singer (2008), p. 137.

¹⁰⁶ Bureš and Nedvědicá (2011b), pp. 33-34.

Typology created by Kevin A. O'Brien suggests four categories of PMCs divided according to their activities. He distinguishes between those corporations that "*aim to alter the strategic landscape and those involving local – in narrow sense – immediately impact only.*"¹⁰⁷ First type of PMCs includes those *military operations* which aim to alter strategic landscape. Activities of the first type involve offensive and defensive operations, operational combat support, peacekeeping, peace-support or peace-enforcement operations, and military advisory services (including training) in support of national military objectives. Second category encompasses *military-support operations* which are not intended to alter strategic environment. These operations comprise of professionalization or integration training and logistics. Third category includes defensive or protective security operations which cover large-scale installation and asset protection or small-scale personnel protection. Fourth category includes non-lethal security operations with local or immediate impact. This category covers services such as intelligence support, law enforcement and policing in countries in transition without the capability to fulfil these tasks themselves. In addition to that, transport, paramedical services, humanitarian convoy protection, refugee protection, administration and logistics, and other non-frontline services belong to the fourth category of services provide by PMCs.¹⁰⁸ Table 4 offers the overview of examples of PMCs that fall into individual categories proposed by Kevin A. O'Brien.

PMCs such as DynCorp, AirScan and MPRI also provide services within two or more categories of Kevin A. O'Brien's typology. PMCs are businesses trying to meet the demands of the market and that is a reason why they offer services ranging from the combat operations to non-combat services such as logistics and maintenance services. Therefore it is possible to categorize activities of PMCs. Typology of individual companies is challenging, however.

¹⁰⁷ According to O'Brien, immediate impact activities include transport, force professionalization training, physical guarding, refugee protection etc. O'Brien (2007), p. 40.

¹⁰⁸ O'Brien (2007), p. 41.

2.5 PMCs and security sector reform

PMCs are hired by countries across the world which are striving to reform their security sector. PMCs began to show the interest in the area of SSR already in the late 1980s. For example MPRI, which was formed in 1987, focused its competency on SSR programmes.¹⁰⁹ In the aftermath of the Cold War, PMCs were hired by transitional states to assist with the security sector reform for example in Croatia, Bosnia and Romania. Donor countries, the US in particular, has hired PMCs to assist with the SSR for example in Afghanistan or Iraq.¹¹⁰ The following text deals with an involvement and contribution of PMCs in the SSR.

Elke Krahnemann claims that security sector reform includes responses on national as well as international level. On the national level, security sector reform incorporates organizational¹¹¹ and political change while on the international level, actors of SSR focus on the control of weapons, creation of legal regimes that seek to limit the use of force in dispute solution, and the provision of international aid and assistance.¹¹² Elke Krahnemann argues that PMCs participate on organizational change and transformation of SSR on the domestic level. She claims that PMCs are hardly engaged on the political change of the reform that encompasses democratic control over the security institutions and good governance including respect to human rights, transparency, law and public accountability.¹¹³

SSR requires a wide range of activities which PMCs are able to execute. PMCs often dispose of qualified ex-military and law-enforcement officers, managers, management consultants and logisticians to perform tasks concerning SSR.¹¹⁴ The example of the type of such companies is a military consulting firm identified by Peter Singer. Such

¹⁰⁹ Kinsey (2007), p. 93.

¹¹⁰ Krahnemann (2007), pp. 94-95.

¹¹¹ Organizational change includes demobilization, reduction or expansion of national armed and police forces, reconstruction of military and the police, reform of crucial ministries and institutions related to defence and justice. Krahnemann (2007), p. 97.

¹¹² Krahnemann (2007), p. 97.

¹¹³ Krahnemann (2007), p. 97.

¹¹⁴ Mancini (2005), p. 45.

a company hires retired senior and non-commissioned officers.¹¹⁵ Multitasking and multidimensional skills have belonged to the assets of private military companies involved in SSR. PMCs provide expertise on the design and structure of defence and police ministries, national armed and police forces. They further participate on the SSR by training the police, national army and board guards.¹¹⁶ Francesco Mancini divides the services provided by PMCs that can be used in the course of SSR into three groups:

1. Training;
2. Management support;
3. Diagnosis and policy review.¹¹⁷

Re-training the military and police belongs to one of the important steps of security sector reform. Having the typology of Peter Singer in mind, training is provided by military consulting firms.¹¹⁸ Training focuses on national armies, police, prison guards and board guards. It can be technical, focusing on the use of new equipment, or conceptual that is dealing with the operation planning.¹¹⁹ Francesco Mancini incorporates into this group also the human rights and parliamentary or civilian oversight training programmes.¹²⁰ Nonetheless, Elke Krahmman claims that PMCs are not able to provide political side of the reform including, for example, democratic control over public institutions and human rights.¹²¹ By providing training, PMCs may guarantee building capable and professional security forces. Yet, ensuring accountability of security forces to civil authorities is disputable.

Management support services focus mainly on the defence, interior and justice ministries. They cover strategic advice in the area of security sector and modernization of managerial systems of security institutions. The latter includes strengthening financial and human resources managerial processes, improving judicial case management, reformulating armed forces budgets, reforming pay and grading systems, revising promotion and

¹¹⁵ Singer (2006), p. 4.

¹¹⁶ Krahmman (2007), p. 97.

¹¹⁷ Mancini (2005), p. 50.

¹¹⁸ Singer (2006), p. 4. Examples of these firms can be found in the table 3.

¹¹⁹ Mancini (2005), p. 51.

¹²⁰ Mancini (2005), p. 51.

¹²¹ Krahmman (2007), p. 97.

disciplinary regimes, supporting civil management bodies and improving procurement systems.¹²² Second group of services is provided by military consulting firms too and may support the development of clear institutional framework for providing security that includes all relevant actors.

Third category, diagnosis and policy review, addresses recipient country's security sector or part of it. It includes strategic, operational and organisational analyses and advice to national reviews of security policy.¹²³ Expert analyses are also provided by military consulting firms which therefore offer services most relevant for security sector reform as a whole. PMCs are more flexible than governments and able to deploy on short notice.¹²⁴ Furthermore, PMCs employ experts with cultural appreciation, language skills and required training.¹²⁵

Francesco Mancini claims that SSR includes skills and knowledge, which are "*often beyond the capacity of governments and multinational organizations to provide adequately and in timely manner.*"¹²⁶ Nevertheless, the opinions on the capacities of PMCs on the one hand and national armies on the other vary. Christopher Shoemaker, Senior Vice President for Strategic Planning of MPRI, admits two advantages of using national army in SSR instead of PMC. First, personnel of national armies are considered most current experts in the field of SSR. Second, transitional states prefer uniformed military personnel to private military contractors because they provide a commitment to transitional country.¹²⁷ PMCs therefore usually represent a second choice for countries implementing SSR.¹²⁸

As mentioned at the end of the first chapter, private military companies have been involved in security sector reform for the lack of military personnel in post-conflict countries or reluctance of donor states to send additional military professionals. As long as

¹²² Mancini (2005), pp. 52-53.

¹²³ Mancini (2005), p. 53-54.

¹²⁴ Perito, R. (2009b) The Private Sector in Security Sector Reform: Essential But Not Yet Optimized. USIP Peace Briefing, p. 3, http://www.usip.org/files/resources/USIP_0109.PDF

¹²⁵ Isenberg (2004) A Fistful of Contractors: The Case for a Pragmatic Assessment Private Military Companies in Iraq. British American Security Information Council, Research Report, p. 24, http://www.ssnetwork.net/uploaded_files/3463.pdf

¹²⁶ Mancini (2005), p. 44.

¹²⁷ Shoemaker, Ch. cited according to Krahmman (2007), pp. 98-99.

¹²⁸ Krahmman (2007), p. 98.

donor countries stay reluctant to deploy their armies to post-conflict countries, PMCs will supply their contractors and respond to the shortage of specialists. *“If the international community cannot get its act together and help these countries keep themselves together [...], you’re going to see more and more examples of private contractors doing the job.”*¹²⁹

The US relied on PMCs during the SSR in Iraq; however, the utilization of PMCs is rooted in the American military history. Next chapter introduces the history of the use of private military forces by the US with the particular focus on the period after the end of the Cold War. Because many dilemmas related to the involvement of PMCs revealed after the war in Iraq, I will discuss these issues of concern at the end of the chapter, as well.

¹²⁹ Woods, J. L. cited according to Brayton (2002), p. 318.

3 The use of PMCs in US military operations

First part of the third chapter gives a brief overview of the evolution of private military forces. The aim of this general overview is to put the development of mercenaries into historical context and to mention the link between activities of mercenaries and development of modern state and civilian army. Second part of the chapter will focus on the use of private military forces in the US military operations until 1945. Third, I will examine the utilization of contracted services during the US military operations during the Cold War era. Since the late 1960s, the US army has undergone transformation which influenced the role of PMCs. Therefore, I will explore impact of the changes in the US army on the role of private military contractors in American warfare in the second half of the 20th century. Fourth part of the chapter will focus on political and technological developments in the aftermath of the Cold War and influence these changes have had on armies and on activity of private military forces. A reliance on PMCs has become a global trend during the post-Cold War period; the US has been the biggest client of private military business, however. Therefore, I will examine the involvement of PMCs in the US military operations during the 1990s. I will address the situation after 11th September 2001 and massive deployment of PMCs in Afghanistan and Iraq. The case of Iraq will be granted a special focus in this chapter. The involvement of PMCs in Iraq revealed serious shortcomings in a practice of employing PMCs by US agencies. For that reason, I will mention the most debated dilemmas with the references to academic literature at the end.

3.1 General historical background

The use of private forces is dating back to antiquity. Privatization of war has been a common part of the history of almost every nation that has ever waged a war. This practice illustrates that state's monopoly on use of force was rather an exception in the course of history. *"Every empire, from Ancient Egypt to Victorian England, utilized contract forces."*¹³⁰ These private soldiers were given different names throughout the

¹³⁰ Singer (2001) Corporate Warriors. The Rise of the Privatized Military Industry and Its Ramifications for International Security. *International Security*. 26(3): 190.

history - soldiers of fortune, condottieri, free companies or dogs of war.¹³¹ Private military forces performed those services that were later overtaken by civilian armies which emerged in the 19th century. In addition to that mercenaries contributed to the formation of modern states that started to evolve 400 years ago. Given the absence of civilian armies, mercenaries played an essential role in consolidation of state's power and they influenced the development of overseas territories.¹³²

The Peace of Westphalia from 1648 is considered the starting point of the first attempts to build civilian armies and emergence of the idea that the state should act as a provider of security for its citizens.¹³³ Since then, the states started to “*monopolize violence with the ability to raise armies and wage the wars.*”¹³⁴ Mercenaries still have continued to play an active role; however, their activity on the European continent has started to be regarded as immoral. Attempts to control the activities of mercenaries by implementation of norms have appeared and involvement of PMCs in Europe was limited.¹³⁵ Although Europe gradually shifted from hiring of mercenaries to the use of civilian armies by the end of the 19th century, European states continued to utilize the services of private contractors in operations abroad, as for example Great Britain did in the American War of Independence (1775-1782).¹³⁶

3.2 PMCs and the US history until 1945

Private military forces have been part of the US military history since the very beginning of the country's foundation. The use of mercenaries by the US is mentioned already in the War of Independence (1775-1782) when both parties to the conflict hired private soldiers. British army relied on approximately 30 000 mercenaries from Germany

¹³¹ Isenberg (2009), p. 5.

¹³² Kramer, D. (2007) Does the History Repeat Itself? A Comparative Analysis of Private Military Entities. In: Jäger and Kümmel (eds.) (2007), p. 24; Singer (2001), p. 190.

¹³³ Schreier, F. and Caparini M. (2005) Privatizing Security: Law, Practice and Governance of Private Military and Security Companies. DCAF, Occasional Paper No. 6, p. 1.

¹³⁴ Schreier and Caparini (2005), p. 1.

¹³⁵ Percy (2007b) Mercenaries: The History of a Norm in International Relations (London: Oxford University), pp. 91-92.

¹³⁶ Smith, E. (2002-03) The New Condottieri and US Policy: The Privatization of Conflict and Its Implications. *Parameters*, Winter, pp. 105-106.

called Hessians,¹³⁷ who influenced the results of the war and contributed to the victory of the US by their desertion and settling down on American territory.¹³⁸ American colonies did not have a regular civilian army, and thus hired mercenaries for services ranging from equipping to sustaining the troops in the field.¹³⁹

Oldřich Bureš mentions the significance of the article 60 of the *Articles of War*, which were modified in 1806, and are nowadays known as Uniform Code of Military Justice. The article 60 specified for the first time the commitments of civilians in war. “*All sutlers and retainers to the camp, and all persons whatsoever serving with the armies of the United States in the field, though not enlisted soldiers, are subject to orders, according to the rules and discipline of war.*”¹⁴⁰ This article is important because it set off efforts to punish also civilian soldiers for breaking the military law during the war.

All of the larger military operations throughout the US history involved private forces (See table 5). For example, private contractors assisted the US troops during the American Civil War and during the wars with Indians.¹⁴¹ Later, private military forces accompanied US troops during the First World War and served as steamship mates, cooks, transport watchmen and quartermaster auditors.¹⁴² The role of private military companies in US defence has gradually changed. PMCs started to gain more strategic role and their work became more specialized. For example, Booz Allen Hamilton, which was one of the largest private military and security companies, was founded in 1914 and at the beginning it provided statistical analyses. However, later in 1940 it assisted the US with the preparations for the entry into the Second World War.¹⁴³

¹³⁷ Wither, J. K. (2005) European Security and Private Military Companies: The Prospect for Privatized „Battlegroups“. *The Quarterly Journal*. 4(2): 107.

¹³⁸ Bureš and Nedvědícká (2011b), p. 46.

¹³⁹ Wither (2005), p. 107.

¹⁴⁰ Articles of War. An Act of Establishing Rules and Articles for the Government of the Armies of the United States, <http://suvcw.org/education/documents/articles.htm>

¹⁴¹ Bureš and Nedvědícká (2011b), pp. 85-86.

¹⁴² Snyder, D. L. (2009) Civilian Military Contractors on Trial: The Case for Upholding the Amended Exceptional Jurisdiction Clause of the Uniform Code of Military Justice. *Texas International Law Journal*. 44(65): 69.

¹⁴³ Kinsey (2006) *Corporate Soldiers and International Security: The Rise of Private Military Companies* (London: Routledge), p. 99.

During the Second World War, the cooperation between private military contractors and the US army intensified and the activities of PMCs expanded. Private military contractors amounted 3-5 % of the total US force¹⁴⁴ and provided non-combat services for the troops in the field as well as at home.¹⁴⁵ It is estimated that the US government spent more than \$300 billion for war goods and services mostly provided by PMCs.¹⁴⁶ In contrast to the First World War, PMCs started to be active also on the battlefield due to the increasing complexity of military aircraft, signal equipment, and vehicles.¹⁴⁷ According to a historian Deborah Kidwell, post-war period is characterized by the incorporation of PMCs into the American warfare, which continues to a present day.¹⁴⁸

3.3 The Cold War era

The cooperation between private military contractors and the US government has been understood as a mutually beneficial relation for most of the 20th century. During the Cold War, the US government spent more than 10 trillion¹⁴⁹ for national defence. To a large extent these financial means ended up on the bank accounts of private military companies and their suppliers.¹⁵⁰ During the Korean War (1950-1953), private military contractors formed 3-5 % of the total force deployed by the US.¹⁵¹ Deborah Kidwell notes that the US aimed to wage the war with less than full mobilization and to minimize the costs and domestic social disruption. For this purpose, the US hired mostly Korean and Japanese foreign contractors to supply the troops in the field.¹⁵² Such measure allowed for lower amount of US soldiers deployed in Korea and fewer objections of public.

¹⁴⁴ Horton, S. (2007) Providing Accountability for Private Military Contractors: Testimony before the House Judiciary Committee. *Harper's Magazine*, <http://www.harpers.org/archive/2007/06/hbc-90000309>

¹⁴⁵ Snyder (2009), p. 69.

¹⁴⁶ Higgs, R. (1995) World War II and the Military-Industrial-Congressional Complex. *Freedom Daily*, <http://www.fff.org/freedom/0595d.asp>

¹⁴⁷ Congressional Budget Office (CBO) (2005) Logistic Support for Deployed Military Forces, p. 1, <http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/67xx/doc6794/10-20-militarylogisticssupport.pdf>

¹⁴⁸ Kidwell, D. (2005) Public War, Private Fight? The United States and Private Military Companies. *Global War on Terrorism*. Combat Studies Institute Press, Occasional paper 12, p. 15, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA446127>

¹⁴⁹ In dollar's of purchasing power of the year 1995.

¹⁵⁰ Higgs (1995)

¹⁵¹ Horton (2007)

¹⁵² Kidwell (2005), p. 15.

During the 1950s, the private military contractors still played a minor role in the US defence. Nonetheless, the character of the involvement of PMCs in the American warfare has further changed during the Vietnam War, when the US military started to rely on the complex weapons system and needed the technical experts for the maintenance services.¹⁵³ The advanced military technology was so complex that it required specialists in order to maintain the equipment also during the direct combat.¹⁵⁴ *“Civilian contractors completed a greater number of construction projects in combat areas, and technical experts were deployed alongside regular armed forces to support battlefield technology.”*¹⁵⁵ Hence, the private contractors were not hired only for non-combat services as for example during the World War I, but also for the services provided on the battlefield.

The US wanted to avoid full mobilization already during the Korean War and similar situation occurred in the case of Vietnam War. President Lyndon B. Johnson refused to mobilize reserved units and decided to use higher amount of contracted labour.¹⁵⁶ The number of contractors in the Vietnam War slightly exceeded 5 % of the total force.¹⁵⁷ It is estimated that at the peak of Vietnam War, 9 000 civilian contractors assisted the US forces.¹⁵⁸ One of the PMCs involved in Vietnam War was DynCorp, which provided aviation support. In addition, DynCorp was active in every major US military operation since the Korean War.¹⁵⁹

The activity of PMCs during the Vietnam War became controversial. For example, the private military company Kellogg Brown & Root (KBR), which is a subsidiary of Halliburton, was accused of fraud and corruption.¹⁶⁰ Despite the problematic issues, the number of contracts with private military firms has been increasing since the Vietnam War and the size of American army has been reduced. In the aftermath of the Vietnam War, the US government was encouraged to hire private contractors for services which American

¹⁵³ Kinsey (2006), p. 98.

¹⁵⁴ Bureš and Nedvěďická (2011b), p. 90.

¹⁵⁵ Kidwell (2005), p. 16.

¹⁵⁶ Kidwell (2005), p. 15.

¹⁵⁷ Horton (2007)

¹⁵⁸ Snyder (2009), p. 69.

¹⁵⁹ Isenberg (2009), p. 2.

¹⁶⁰ Kidwell (2005), p. 16.

army was not able to provide due to reduction of military forces, and it established a pre-planned method of cooperation with the contractors. For example, in the mid-1980s the US army launched *Logistics Civil Augmentation Program* (LOGCAP) which counted on the higher involvement of PMCs in logistical services for the US military. The objective of LOGCAP was to “*pre-plan for the use of civilian contractors to perform selected services in wartime to augment Army forces. Utilization of civilian contractors in a theatre of operation will release military units for other missions or fill shortfalls.*”¹⁶¹ The LOGCAP was used for the first time in 1992.

3.4 Post-Cold War period

Since the end of the Cold War, number of PMCs and their activities around the world have been increasing and the role of military has been transformed. “*While war was once the prerogative of states, this is no longer the case.*”¹⁶² Increasing involvement of PMCs was caused by the political and technological changes in the aftermath of the Cold War. Political changes were related to the reduction of the size of national armies which left many trained soldiers without job. “*Since the end of the Cold War, more than 7 million servicemen have been thrown into the employment market with little to peddle but their fighting and military skills.*”¹⁶³ The soldiers who had lost their job due to the downsizing of armed forces became employees of PMCs. Thus, the capabilities of private military contractors are often highly professional due to their experience and training from American, British, Israeli or Russian army.¹⁶⁴

Another characteristic of the post-Cold War period was the emergence of regional conflicts, which started to break out after the stability invoked by the bipolarity of the Cold War ended.¹⁶⁵ Since the amount of the uniformed personnel was reduced and the number of conflicts increased, private contractors filled the gap on the security market. They started to provide skills for which military personnel had not had available resources.

¹⁶¹ Logistics Civil Augmentation Program (LOGCAP). Army Regulation 700-137, 16 December 1985, http://www.apd.army.mil/jw2/xmldemo/r700_137/main.asp

¹⁶² Kinsey (2006), p. 94.

¹⁶³ Schreier and Caparini (2005), p. 3.

¹⁶⁴ Brayton (2002), p. 309.

¹⁶⁵ Schreier and Caparini (2005), p. 4.

*“The privatization of certain services supposedly ensures that the job gets done despite the downsizing of the armed forces.”*¹⁶⁶

Armies were not replaced by PMCs in military interventions; however, private contractors have had more opportunities for the involvement. PMCs have become alternative means for Western governments to carry out *“some types of security operations, especially where national interests are not directly at stake.”*¹⁶⁷ Thus, PMCs are hired when the governments are not willing to deploy their armies. *“Every multi-lateral peace operation conducted by the UN in the 1990s was accomplished with the use of private security companies.”*¹⁶⁸ Furthermore, private military forces are active in those cases when the public opinion is strongly against a deployment of soldiers in foreign conflict but the government still strives to influence the result of the dispute and intervene. Western governments accepted the *“reality, that today the public will not tolerate troop casualties as it has done in the past.”*¹⁶⁹ PMCs provide mostly non-combat services and allow the soldiers to concentrate on the missions they are trained for. In general, the security market in the aftermath of the Cold War offered more opportunities for private military contractors.

Technological progress in military has continued during 1990s. The way of warfare has been changing with the development of technology and the specialists have been required to operate the equipment. It is assumed that because of the speed of the change and technological progress it is easier to hire PMCs for technical services than to train soldiers.¹⁷⁰ International security researcher Christopher Kinsey notes, *“Weapons systems, such as the Aegis missile defence system and Patriot missile batteries, along with unmanned aerial vehicles and Apache helicopters [...], all need civilian technicians to run them.”*¹⁷¹

¹⁶⁶ Bearpark, A. and Schulz, S. (2007) The future of the market. In: Chesterman and Lehnardt (eds.) (2007), p. 242.

¹⁶⁷ Kinsey (2006), p. 96.

¹⁶⁸ Avant (2007) Contracting for Services in U.S. Military Operations. *Political Science and Politics*. 40(3): 457.

¹⁶⁹ Kinsey (2006), p. 96.

¹⁷⁰ Schreier and Caparini (2005), p. 5.

¹⁷¹ Kinsey (2006) p. 96.

3.4.1 PMCs in the US military operations after 1990

As we could see in the previous parts of this chapter, private military forces were inseparable components of warfare for centuries. The end of the Cold War brought changes for the US PMCs and their involvement in the US military operations. After 1990, number of PMCs in the US has grown and this period is regarded as the starting point for the emergence of modern PMCs providing wide range of services, presenting corporate image and advertising their professionalism (See chapter 2). The reliance of the US army on modern military technology, which mostly only private military companies are able to provide, has risen as well. The trend towards the privatization of military and security services is spread throughout the world. Nonetheless the privatization of security services has been most intensive in the US, which outsourced even the security services for some prisons.¹⁷² In addition to that, the trend in downsizing of the US army has continued after the Cold War too. This reduction of uniformed personnel resulted in increased demand for private military contractors in the US military operations.

The US government is the biggest client of private military industry. In 1995, Defence Science Board Report suggested that the US could save up to \$12 billion annually by 2002 if it contracted all non-combat services.¹⁷³ Between the years 1994 and 2002, the US signed around 3 000 contracts with the private military companies in the value of \$300 billion;¹⁷⁴ more than 2 700 of those contracts were awarded to the companies KBR and Booz Allen Hamilton.¹⁷⁵ Such practice denotes strong relations of Pentagon to some PMCs, which is evident from the results of the research of the Centre for Public Integrity. It shows that in the period 1998-2002 about 50 % of the budget of Department of Defence (DOD) was directed to private military contractors, from which 50 biggest contractors gained half of the sum, while the top 10 received 38 %.¹⁷⁶ PMCs usually sell their services directly to

¹⁷² Bureš, Nedvědíká (2011b), p. 92.

¹⁷³ Isenberg (2009), p. 2.

¹⁷⁴ Ballard, K. M. (2007) The Privatization of Military Affairs: A Historical Look into the Evolution of the Private Military Industry. In: Jäger and Kümmel (eds.) (2007), p. 45.

¹⁷⁵ Peterson, L. (2002) Privatizing combat, the new world order. *iWatch News*, <http://www.iwatchnews.org/2002/10/28/5678/privatizing-combat-new-world-order>

¹⁷⁶ Makinson, L. (2004) Outsourcing the Pentagon: Who benefits from the Policy and Economics of National Security? The Centre for Public Integrity, <http://www.mindfully.org/Reform/2004/Pentagon-Outsourcing-CPI29sep04.htm>

the US government agencies, particularly to the Department of Defence, the Department of State, or the United States Agency for International Development. Furthermore, every PMC working abroad for government agency needs to obtain a licence from the State Department's Office of Defence Trade Controls (ODTC). No US company is allowed to operate abroad without a licence which gives the ODTC the possibility to veto the activity of US PMCs in foreign countries.¹⁷⁷

During the Gulf War (1990-1991) approximately 9 200 employees of PMCs were active in Iraq,¹⁷⁸ which formed 10 % of the total force.¹⁷⁹ PMCs provided services which were according to some experts crucial for the military success of the US.¹⁸⁰ John R. Brinkerhoff identifies contracted services that were critical for the functioning of the US army. Among such services belong water, petroleum and ammunition supply, construction material supply, heavy equipment transporters, maintenance services etc.¹⁸¹ The Gulf War required rapid deployment of the US troops that was enabled thanks to the contracted support. It provided for the reception, staging, onward movement and sustainment of the troops. Moreover, PMCs supported systems M1, M1A1 and M1A2 versions of Abrams tanks, Bradley fighting vehicles, Kiowa Warrior (OH-58D) helicopters and wire-guided missiles and Patriot missiles.¹⁸² One of the active PMCs during operation Desert Shield and Desert Storm was DynCorp that provided aviation maintenance services and logistics support to the US army and marines.¹⁸³

First LOGCAP was launched in 1992 for a five-year period. LOGCAP I was awarded to the company KBR and it covered conflicts in Somalia and Balkans.¹⁸⁴ In Somalia, KBR deployed about 2 500 employees to assist the US in non-combat services

¹⁷⁷ Stanger, A. and Williams, M. E. (2006) Private Military Corporations: Benefits and Costs of Outsourcing Security. *Yale Journal of International Affairs*. 2(1): 7.

¹⁷⁸ Bureš and Nedvědíká (2011b), p. 92.

¹⁷⁹ Horton (2007)

¹⁸⁰ Tilson, J. C. (1997) The Role of External Support in Total Force Planning. Institute for Defense Analyses (IDA) Paper P-3344, p. 3, <http://www.dtic.mil/dtic/tr/fulltext/u2/a339732.pdf>

¹⁸¹ Brinkerhoff, J. R. (1997) External Support for the Army in the Persian Gulf War. IDA Document D-2019, p. 2, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA339879>

¹⁸² CBO (2005), p. 3.

¹⁸³ Isenberg (2009), p. 2.

¹⁸⁴ CBO (2005), p. 2.

such as digging wells.¹⁸⁵ KBR subcontracted some services from local people; laundry was for instance done by local women.¹⁸⁶ Brion Day claims, “*Brown & Root relied heavily on local labour, and at one point was the country’s largest employer.*”¹⁸⁷ Overall, the contribution of KBR was considered an asset to the operation, nevertheless it was very costly. For example, KBR charged \$62 million just for the maintenance of the military bases.¹⁸⁸ In addition, KBR was not working for the US only. Since 1993 it was also hired for the missions of the United Nations called United Task Force (UNITAF) and later for United Nations Operation in Somalia II (UNOSOM II). KBR service provided for the UN included logistical services such as water purification, trash removal, power supply, and sanitation services.¹⁸⁹ Thus, the international organizations have also started to utilize the services of private military in the first half of 1990s.

The military operation in Somalia has influenced further US involvement in military interventions abroad. After the media broadcasted the video of 18 US soldiers killed in Mogadishu and their bodies dragged through the city, the public disagreed with the presence of the US in the country. 74 % of the US population has expressed strong disagreement with further activity of the US forces in the Somali civil war.¹⁹⁰ Somali experience led the US President Bill Clinton to the implementation of Presidential Decision Directive (PDD) 25, which set up the conditions for the US interventions.¹⁹¹ The willingness of western governments to intervene in the conflicts decreased as a result of the incidents in Somalia. Such a situation opened a window of opportunity for PMCs. “*The*

¹⁸⁵Stockman, F. (2008) Top Iraq contractor skirts US taxes offshore. *The Boston Globe*, http://www.boston.com/news/world/articles/2008/03/06/top_iraq_contractor_skirts_us_taxes_offshore/?page=full

¹⁸⁶ Bureš and Nedvědícká (2011b), p. 94.

¹⁸⁷ Briody, D. (2004) *The Halliburton agenda: the politics of oil and money* (Hoboken: John Wiley & Sons, Inc.), p. 203.

¹⁸⁸ Bureš and Nedvědícká (2011b), p. 95.

¹⁸⁹ The US General Accounting Office (1994) *Peace Operations: Withdrawal of U.S. troops from Somalia*. Report to Congressional Requesters, GAO/NSLAD-94-175, p. 8, <http://gao.justia.com/departments-of-defense/1994/6/peace-operations-nsiad-94-175/NSIAD-94-175-full-report.pdf>

¹⁹⁰ Bureš and Nedvědícká (2011b), p. 95; For more information about the Somali civil war see Lowther, A. and Snow, Donald M. (2007) *Americans and Asymmetric Conflict: Libanon, Somalia, and Afghanistan* (Westport, London: Praeger)

¹⁹¹ The White House (1994) *Presidential Decision Directive/NSC-25*, <http://www.fas.org/irp/offdocs/pdd/pdd-25.pdf>

experience in Somalia was a significant factor in souring attitudes towards foreign deployment to protect individuals without the means to protect themselves."¹⁹²

The reduction of the US army continued throughout the 1990s and the reliance on the private military forces intensified. Regarding the size of the US army, in 2005 it was "35 % smaller than at the time of the Gulf War."¹⁹³ The US utilized the services of PMCs in order to influence conflicts abroad without a deployment of US troops. Such action is sometimes perceived negatively. Ken Silverstein points out, "[...] *the use of private military contractors allows the United States to pursue its geopolitical interests without deploying its own army, this being especially useful in cases where training is provided to regimes with ghastly human rights records.*"¹⁹⁴ The US, for example, influenced the long lasting civil war in Angola (1975-2002) when the US government requested its Angolan counterpart to terminate the contract with the African company EO. It is not clear which PMC worked for Angolan government afterwards. Ken Silverstein states that the US urged Angolan government to hire the company MPRI.¹⁹⁵ Other sources claim that EO was replaced by Sandline International in order to provide combat services, intelligence, strategic planning and training.¹⁹⁶ However, it is important to realize that PMCs can serve the governments as a tool to promote national interest without using national army.

Another conflict for which the US hired PMCs was the Balkan War in 1990s. In 1994, the US signed a contract with MPRI to provide the training and military advice to Croatian army in order to support the transition to democracy. The results of the training were positively evaluated. A year later, the Croatian army was able to recapture the Krajina region, which was previously held by Serbia.¹⁹⁷ It is probable that due to the success of the

¹⁹² Kinsey (2006), p. 96.

¹⁹³ Wither (2005), p. 113.

¹⁹⁴ Silverstein, K. (1997) Privatizing War: How Affairs of State Are Outsourced to Corporations Beyond Public Control. *The Nation*, July 28, <http://www.mtholyoke.edu/acad/intrel/silver.htm>

¹⁹⁵ Silverstein (1997)

¹⁹⁶ Bureš and Nedvěďická (2011b), p. 97.

¹⁹⁷ Isenberg (1997) Soldiers of Fortune Ltd.: A Profile of Today's Private Sector Corporate Mercenary Firms. Center for Defense Information Monograph, <http://www.aloha.net/~stroble/mercs.html>; For more information about the conflict in Krajina region see Global Security. War and Ethnic Cleansing in Yugoslavia, <http://www.globalsecurity.org/military/world/war/yugo-hist4.htm>

training of Croatian army, MPRI gained the contract to train Bosnian Federation armed forces.¹⁹⁸

In 1997 LOGCAP II was introduced for another five-year period. This time, it was awarded to KBR as well as to DynCorp and focused on the war in Balkans.¹⁹⁹ It is estimated that KBR gained the contract worth \$2,2 billion during the US operation in Balkans by building sewage systems, kitchens, showers and providing laundry services.²⁰⁰ The number of contractors in Balkans was equal to the amount of uniformed personnel, thus, the ratio of the soldiers and contractors reached 1:1.²⁰¹

Besides the Bosnia and Herzegovina, PMCs had been involved in Kosovo already before the breakout of the air campaign in 1999. At that time, private military firm DynCorp provided military observers who were part of the US contingent of the OSCE verification mission. The reason for hiring a PMC for this task was the fact that the US did not want to send their own troops unarmed and thus hiring PMCs enabled the US to avoid any political risks related to such an action.²⁰² Utilizing PMCs is considered more politically sensitive and the hiring of contractors is assumed to be more acceptable by local population.²⁰³ After the air war started in 1999, PMCs provided logistics service and most of the information warfare aspects of the NATO operation against Serbs.²⁰⁴ Furthermore, private military firms gained the contract to construct and operate refugee camps outside Kosovo's borders, which is by Daniel Hellinger regarded as a clear example of "militarization of humanitarian assistance through use of privatized security services."²⁰⁵

¹⁹⁸ Kassebaum, D. (2000) A Question of facts – the Legal Use of Private Security Firms in Bosnia. *Columbia Journal of Transnational Law*. 38(3): 1-2.

¹⁹⁹ CBO (2005), p. 3.

²⁰⁰ Chatterjee, P. (2002) The War on Terrorism's Gravy Train. CorpWatch, May 2002, <http://www.corpwatch.org/article.php?id=2471>

²⁰¹ Šulc, F. (2010) Počítání kontraktorů. On War, On Peace, <http://www.onwar.eu/2010/07/27/pocitani-kontraktoru/>

²⁰² Lilly, D. (2000) The Privatization of Peacekeeping: Prospects and Realities. Disarmament Forum, United Nations Institute for Disarmament, No. 3, p. 57, <http://unidir.org/pdf/articles/pdf-art135.pdf>

²⁰³ Perito (2009b), p. 3.

²⁰⁴ Singer (2001), p.188.

²⁰⁵ Hellinger, D. (2004) Humanitarian Action, NGOs and the Privatization of the Military. *Refugee Survey Quarterly*. 23(4): 199.

The biggest provider of logistics services for the US in Kosovo was KBR. The company gained a contract to supply the US military base with 600 000 gallons of water per day, build 200 barracks in less than 90 days, wash 1 200 bags of laundry, cook 18 000 meals a day, ensure 95 % of military transport including railways and airspace etc. KBR hired 5 000 people directly in Kosovo and similarly to Somalia it became one of the largest employer in the area.²⁰⁶

3.4.2 US PMCs in the 21st century

The reliance of the US on private military firms increased extensively after the military invasion to Afghanistan in 2001 and Iraq in 2003, which were initiated by the US President George W. Bush (2001-2009). In order to enable the US troops to fully concentrate on the combat, DOD has relied on PMCs more than ever before. Companies provided security and other services in support of military operations and reconstruction process. For the first time in the US history, the number of contractors exceeded the amount of the DOD's uniformed personnel already in 2001.²⁰⁷

The US is not only the biggest client of PMCs it is also the country with the highest number of registered private military firms in the world.²⁰⁸ The wars in Afghanistan and Iraq can be considered the conflicts which started the boom of private military industry. The intensity of the growth illustrates the fact that 40 % of the current PMCs were established after 11th September 2001.²⁰⁹ In reaction to this trend, Tony Grey claims that *“military has no choice, because they [the US troops] are heavily committed in so many places globally.”*²¹⁰

However, the exact number of contractors working for the US agencies during the era of George W. Bush is not available. Until the second half of 2007, the Bush administration did not collect data about the amount of hired PMCs on a regular basis. In the following years, the statistics about PMCs as well as their subcontractors continued to

²⁰⁶ Bureš and Nedvědícká (2011b), pp. 98-99.

²⁰⁷ Bureš and Nedvědícká (2011b), p. 99.

²⁰⁸ Kinsey (2006), p. 1.

²⁰⁹ Bureš and Nedvědícká (2011b), p. 99.

²¹⁰ Grey, T. cited according to Ballard (2007), p. 47.

be incomplete.²¹¹ According to Ian Livingstone and Michael O'Horton, there were 38 000 private contractors working in Afghanistan in 2007 and the number rose to 71 000 PMCs employees a year later. In 2009, the presence of private contractors increased to 107 000.²¹² Nonetheless, it is important to note that the numbers include only the contractors working for DOD.²¹³ Regarding the war in Iraq, it is estimated that during the Bush presidency the US deployed around 180 000 private military contractors. The ratio of the uniformed soldiers and employees of PMCs in both conflicts was almost even.²¹⁴

The number of contractors active in Afghanistan exceeded the amount of contractors in any other previous US military operation. Patricia H. Hynes calls the war in Afghanistan as the first US contractors war and states that "*It heralds a future in which waging war no longer requires citizens, only money.*"²¹⁵ According to Afghan Investment Support Agency (AISA) there were 59 PMCs working in Afghanistan in the period of 2004-2006.²¹⁶ PMCs were responsible for maintenance of the combat equipment and logistics support. In addition to that, the employees of DynCorp, who were mostly members of ex-US special troops' forces, were hired to protect Afghan president Hamid Karzai.²¹⁷

During the presidency of George W. Bush LOGCAP III was awarded to the company KBR in 2001 for the 10-year period and it focused on the territory of Afghanistan, Iraq and some other countries.²¹⁸ LOGCAP III continued until the withdrawal of the US troops from Iraq in December 2011. Under the programme KBR provided the US military personnel with wide range of logistics services. For example, the contractors supplied the US army with more than 1 billion meals and nearly 23 billion gallon of water, delivered

²¹¹ Schwartz, M. (2009) The Department's Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Option for Congress. Congressional Research Service Report for Congress, p. 5, <http://fpc.state.gov/documents/organization/130803.pdf>

²¹² Livingstone, I. and O' Horton, M. (2012) Afghanistan Index: Also including selected data on Pakistan. Brookings, p. 9, <http://www.brookings.edu/~media/Files/Programs/FP/afghanistan%20index/index.pdf>

²¹³ PMCs also work for the Department of State, or the United States Agency for International Development. Stanger and Williams (2006), p. 7.

²¹⁴ Bureš and Nedvěďická (2011a) Komparace využití soukromých vojenských společností administrativami George W. Bushe a Baracka Obamy. *Obrana a Strategie*. 11(2): 113.

²¹⁵ Hynes, P. H. (2010) Afghanistan and the Marketplace of Violence. *Fellowship*, 76, Spring, p. 34.

²¹⁶ Dawi, A. (2007) Security firms challenge state authority. *E-Ariana*, <http://www.e-ariana.com/ariana/eariana.nsf/allArticles/AEB3A481D9C55612872572BB0054A1C7?OpenDocument>

²¹⁷ Singer (2008), p. 17.

²¹⁸ CBO (2005), p. 3.

440 pounds of mail and issued more than 8 billion gallons of water in order to support the US soldiers during their mission.²¹⁹

LOGCAP IV was implemented in 2008, while LOGCAP III was still in force. The aim of running both programmes simultaneously was to ensure smooth delivery of the service without interruption.²²⁰ LOGCAP IV was awarded to three companies – KBR, DynCorp and Fluor Group (FLR). DynCorp gained a \$5,9 billion contract to logistically support the US troops in southern Afghanistan and FLR was hired for the logistics services in northern part of the country.²²¹

Starting his presidential term in 2009 Barack Obama pronounced that one of his objectives is a gradual withdrawal of the US forces from Afghanistan and Iraq, which would also cause the decrease of the amount of private military contractors present in those countries. Oldřich Bureš and Vendula Nedvědícká point out that the downsizing of the PMCs employees up to the end of 2011 occurred only in the case of Iraq,²²² from which the last convoy of the US troops left on 18th December 2011.²²³ Contrary to Iraqi case, as a result of the worsening security situation in Afghanistan the number of private contractors in the country extremely increased in 2010 and this trend continued until 2011.²²⁴ Therefore, despite the declining number of PMCs employees in Iraq the growing involvement of contractors in Afghanistan caused that the amount of private military forces still outreached the amount of uniformed personnel. Thomas X. Hammes claims that as of 31st March 2010, DOD hired 207 000 private military contractors and deployed 175 000 uniformed personnel in the war zones. Contractors formed 50 % of the workforce in Iraq and 59 % in Afghanistan.²²⁵

²¹⁹ KBR (2010) KBR to Continue LOGCAP III Work Supporting Army as LOGCAP IV Solicitation is Cancelled. Press Release, <http://www.kbr.com/Newsroom/Press-Releases/2010/05/06/KBR-to-Continue-LOGCAP-III-Work-Supporting-Army-as-LOGCAP-IV-Solicitation-is-Cancelled/>

²²⁰ The US Army (2010) LOGCAP III Task Order continues support in Iraq. The official homepage of the United States Army, <http://www.army.mil/article/38607/logcap-iii-task-order-continues-support-in-iraq/>

²²¹ Vardi, N. (2009) DynCorp Takes Afghanistan. *Forbes*, <http://www.forbes.com/2009/07/30/dyncorp-kbr-afghanistan-business-logistics-dyncorp.html>

²²² Bureš and Nedvědícká (2011a), p. 113.

²²³ BBC (2011) Last US troop withdraw from Iraq, <http://www.bbc.co.uk/news/world-middle-east-16234723>

²²⁴ Bureš and Nedvědícká (2011a), p. 113.

²²⁵ Hammes, T. X. (2011) Private Contractors in Conflict Zones. The Good, the Bad and the Strategic Impact. *Joint Force Quarterly*. 60, 1st quarter 2011, p. 27.

Nonetheless, the high number of foreign PMCs present in Afghanistan is going to decline because Afghan government set the deadline for foreign PMCs to leave the country by 21st March 2012.²²⁶ President Karzai supported this initiative by an explanation that foreign PMCs undermine the position of Afghan army and police and thus Afghan security forces should now provide the protection of aid workers.²²⁷ Second reason for this order is the frustration of local people from harassment and other unpunished crimes committed by employees of PMCs on local population. “*ArmorGroup security guards for the US embassy routinely frequented brothels in Kabul where Chinese girls had been trafficked for sexual exploitation.*”²²⁸ Third motive of Karzai’s move is to keep the money for security services on the Afghan territory. Foreigners searching for the protection are now obliged to hire guards from new Afghan Public Protection Force. However, the force consist of only 6 000 members so far, which is relatively small amount compared to 40 000 private security guards operating in the country before 21st March 2012.²²⁹

3.4.2.1 PMCs in Iraq (2003-2011)

The invasion of Iraq led by the US and the United Kingdom (UK) started on 20th March 2003 and the cessation of major combat was declared 1st May 2003.²³⁰ It took the US troops only a month to defeat Iraqi conventional army; nevertheless, the problems appeared right after the invasion ended. The US army planned to assist the Iraqi post-conflict reconstruction including security sector reform, which should have promoted Iraqi transition to democracy. Nevertheless, instead of focusing primarily on SSR and other components of the reconstruction, the coalition forces had to deal with strong insurgency²³¹ that had appeared right after the invasion ended. Iraqi insurgents often used bombing and

²²⁶ BBC (2012) Afghanistan ban on security firms comes into place, <http://www.bbc.co.uk/news/world-asia-17456025>

²²⁷ The Telegraph (2010) Afghanistan ban on security firms delayed by two months, <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/8090771/Afghanistan-ban-on-security-firms-delayed-by-two-months.html>

²²⁸ Hynes (2010), p. 35.

²²⁹ BBC (2012)

²³⁰ Jones, Seth G. (et al.) (2005), p. 105.

²³¹ Insurgency is an organized use of subversion and violence to seize, nullify, or challenge political control of a region. US Government (2009) US Government Counterinsurgency Guide. Bureau of Political-Military Affairs, p. 4, <http://www.state.gov/documents/organization/119629.pdf>; For more information about the insurgency and counterinsurgency in Iraq see Hoffman, B. (2004) *Insurgency and Counterinsurgency in Iraq* (Santa Monica: RAND Corporation)

suicide attacks, ambushes with small arms, grenades or other explosive devices as tools to fight occupying troops and to attack newly established Iraqi security and military forces.²³²

The US army did not expect armed resistance, which caught it by surprise. As a result of military unpreparedness for such a scenario dozens of US soldiers were killed.²³³ Violence in Iraq continued to escalate until 2006. President Bush decided to solve the critical situation by a surge, deploying additional 30 000 US troops to Iraq.²³⁴ President Obama continued in such policy and in 2009 he ordered to deploy another 30 000 US troops.²³⁵ Since the US troops rely on the support of private military contractors, the increase of uniformed personnel was followed by a growing number of employees of PMCs, which is illustrated in the figure 1. *“The more American soldiers are deployed to the conflict, the more PMCs employees are needed and vice-versa.”*²³⁶

Private military companies were involved in the Iraq War from its very beginning. In 2003, the estimated ratio of civilian contractors working in Iraq compared to military personnel reached 1:10. For a comparison, the ratio in the Gulf War was 1:50.²³⁷ The report of Iraq study group points out that *“The United States is relying heavily, apparently for the first time in an unstable environment, on private firms to supply a wide variety of security services.”*²³⁸ Exact data about the number of contractors working in Iraq are not available; nonetheless, it is estimated that at least 310 PMCs were hired by the US agencies to provide security services in Iraq from 2003 till 2008, at a cost of about \$6 billion.²³⁹ David Isenberg identified 10 PMCs, which gained most of the contracts. These are Blackwater, DynCorp,

²³² Record, J. and Terrill, A. W. (2004) Iraq and Vietnam: Differences, Similarities, and Insights. Strategic Studies Institute, US Army War College, pp. 17-23, <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub377.pdf>

²³³ Record and Terrill (2004), p. 14.

²³⁴ The tasks of the surge of the US troops was to protect Baghdad, defeat al-Qaeda in the countryside and provide Iraqi officials with the environment enabling finding common agreement for power-sharing. For more information see Duffy, M. (2008) The Surge at Year One. *Time Magazine*, <http://www.time.com/time/magazine/article/0,9171,1708843,00.html>

²³⁵ Bureš and Nedvěďická (2011b), p. 104.

²³⁶ Bureš and Nedvěďická (2011b), p. 104.

²³⁷ Isenberg (2004), p. 19.

²³⁸ Elsea, J., Schwartz, M. and Nakamura, K. H. (2008) Private Security Contractors in Iraq: Background, Legal Status, and Other Issues. CRS Report for Congress, p. 2, <http://www.au.af.mil/au/awc/awcgate/crs/rl32419.pdf>

²³⁹ Isenberg (2008) The Top 10 PSCs in Iraq. CATO Institute, http://www.cato.org/pub_display.php?pub_id=9789

Triple Canopy, EOD Technology, SOC-SMG, which are based in the US, and Aegis Defense (UK), ArmorGroup (UK), Sabre International Security (United Arab Emirates), Agility Logistics (Kuwait), Unity Resources Group (Australia). Employees of PMCs present in Iraq come from various countries ranging from the United States to Great Britain, Nepal, Chile, Ukraine, Israel, South Africa, Fiji and Australia.²⁴⁰ The majority of contractors operating in Iraq between 2007 and 2011 came from third countries, although a part of contractors belonged to local people.²⁴¹

Private military contractors in Iraq provided services of all three categories of typology proposed by Peter Singer – military provider firms, military support firms and military consultant firms (See chapter 2). PMCs were hired already before the invasion in order to provide field training and logistics for coalition troops during the preparations for the war. Private military contractors helped to build, operate and guard the US military base at Camp Doha in Kuwait, from which the US invaded Iraq.²⁴² During invasion, the US army relied on technical experts from the PMCs. Private military forces maintained and loaded weapons on sophisticated weapons system such as B-2 bomber and Apache helicopter.²⁴³ In addition, the 4th Infantry Division of the US Navy deployed to Iraq in April 2003 was accompanied by 60 contractors who were supposed to support its digital command-and-control-system. In that time, the system was still in development, and the Army was short of uniformed experts to maintain the device.²⁴⁴ Contractors continued operating in Iraq after the aftermath of the US-led invasion too. The main reason was a lack of security forces and increased violence in the country. During the US occupation, PMCs carried out armed services by providing tactical military roles on the ground and supplementing overstretched coalition forces.²⁴⁵ Even though PMCs may perform tasks

²⁴⁰ Isenberg (2004), p. 24.

²⁴¹ Schwartz and Swain, J. (2011) Department of Defense Contractors in Afghanistan and Iraq: Background and Analysis. CRS Report for Congress, p. 28.

²⁴² Singer (2004a), p. 4.

²⁴³ Singer (2004a), p. 5.

²⁴⁴ Isenberg (2004), p. 21.

²⁴⁵ Singer (2004a) p. 6; In 2008, around 7 300 PMCs hired by DOD carried a weapon. CBO (2008) Contractors' Support of US Operations in Iraq. Pub. No. 3053, p. 15, <http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/96xx/doc9688/08-12-iraqcontractors.pdf>

similar to the military combat forces and work with the uniformed soldiers side-by-side, they are not allowed to take part in an offensive military operation.²⁴⁶

According to the report of Coalition Provisional Authority (CPA),²⁴⁷ employees of PMCs deployed in Iraq during the occupation provided three categories of services – personal security for senior civilians officials, non-military site security that includes infrastructure and buildings, and non-military convoy security.²⁴⁸ Blackwater for example won a \$21 million contract to protect Paul Bremer, the head of CPA, and supplied him two helicopters.²⁴⁹ Custer Buttler took part in non-military site security when it was awarded a \$16 million contract in the spring 2003 to secure the Baghdad airport.²⁵⁰ Regarding non-military convoy security, Blackwater provided convoy security to the US diplomats under a contract with the Department of State. During the convoy protection Blackwater's employees unfortunately killed 17 Iraqi civilians.²⁵¹ Furthermore, private military firms assisted during the reconstruction process including security sector reform, which was considered to be a key for the withdrawal of coalition forces.²⁵² It is estimated that until 2007, almost \$4 billion were spent on private military companies involved in reconstruction efforts.²⁵³ The services related to the reconstruction of Iraq will be further discussed in the chapter 4.

Private military contractors play various roles in Iraq. They operate in the war zones and on regular basis engage in the fire with the insurgents, which carries immense risks. Albeit providing tasks of security character, contractors face danger of war realities. Convoy security is, for instance, a dangerous mission since *“50 to 60 per cent of all truck*

²⁴⁶ CBO (2008), p. 19.

²⁴⁷ CPA overtook the control over post-conflict Iraq from the April 2003 till the end of June 2004 and supported its transition to democracy. See Dobbins, J. (et. al.) (2009) *Occupying Iraq: A History of the Coalition Provisional Authority* (Santa Monica: RAND Corporation)

²⁴⁸ Isenberg (2004), p. 8.

²⁴⁹ Democracy Now (2004) *Blackwater USA: Building the „Largest Private Army in the World“*, http://www.democracynow.org/2004/4/1/blackwater_usa_building_the_largest_private

²⁵⁰ Miller, C. (2004) *Military Suspends Firm Accused of Overbilling in Iraq*. *Los Angeles Times*, <http://articles.latimes.com/2004/oct/09/world/fg-custer9>

²⁵¹ The New York Times (2008) *US opens way for trial of 6 Blackwater guards*. http://www.nytimes.com/2008/08/17/world/americas/17iht-black.4.15366940.html?_r=1

²⁵² Singer (2004), pp. 4-5.

²⁵³ Elsea, Schwartz and Nakamura (2008), p. 4.

convoy in Iraq were being attacked."²⁵⁴ Dana Priest comments on the attack on the US headquarters in Najaf in April 2004, which was repulsed by Blackwater's employees: "*The role of Blackwater's commandos in Sunday's fighting in Najaf illuminates the grey zone between their formal role as bodyguards and the realities of operating in an active war zone.*"²⁵⁵ With the increasing amount of contractors present in the war zones the number of killed PMC employees grew proportionally. Between the years 2003 and 2007, 917 private military contractors were killed and 12 000 were wounded.²⁵⁶ Infamous is the massacre, which occurred in the end of March 2004. Four Blackwater's employees were brutally murdered in Fallujah and their bodies were dragged throughout the city and mutilated.²⁵⁷ The number of murdered contractors and scandals that occurred in Afghanistan as well as Iraq reveal dilemmas about engagement use of PMCs in the conflict. I will briefly analyse the most frequent issues present in academic literature and further elaborate on them.

3.5 Issues of Concern

Extensive involvement of PMCs in Iraq has brought many questions and exposed issues of concern stemming from their use. Weak regulation of private military forces is one of the frequently discussed issues, especially after the massive involvement of PMCs in Iraq, which uncovered gaps in existing legislation. Since the 1990s, private military contractors were accused of misconduct concerning sex trafficking, violating UN arm embargoes, abuses of prisoners,²⁵⁸ and indiscriminate shootings at civilians.²⁵⁹ However, legal accountability of private military contractors has several shortcomings despite the potential for the use of lethal force and increasing importance of their role. Current international law applies to members of national armies; nonetheless, it does not regulate

²⁵⁴ Cordesman, A. H. (2007) Iraq's Insurgency and Civil Violence: Developments through Late August 2007. Center for Strategic and International Studies (CSIS), p. 56, http://csis.org/files/media/csis/pubs/070822_cordesman_iraq_report.pdf

²⁵⁵ Priest, D. (2004) Private Guards Repel Attack on US Headquarters. *The Washington Post*, http://www.sandline.com/hotlinks/Wash_Post-Private_guards.html

²⁵⁶ Cordesman (2007), p. 56.

²⁵⁷ Democracy Now (2004)

²⁵⁸ The employees of the companies CACI Int and Titan Inc were involved in the abuses at Abu Ghraib. For more information see Chatterjee and Thompson, A. C. (2004) Private Contractors and Torture at Abu Ghraib, Iraq. CorpWatch, <http://www.corpwatch.org/article.php?id=10828>

²⁵⁹ Lehnardt (2007) Private Military Companies and State Responsibility. In: Chesterman and Lehnardt (eds.) (2007), pp. 139-140.

private forces sufficiently. “Existing regulation is largely inapplicable to PMCs because it assumes that the relevant specialists on violence are members of public armed forces.”²⁶⁰

The legal status of private military contractors in international law is ambiguous, which complicates their legal accountability. It is so far not clear if to classify employees of PMCs as civilians or combatants,²⁶¹ even though they work in unstable environment and provide services of military character with the potential of the use of lethal force. Contractors captured by the enemy during the international armed conflict are considered civilians who are not part of the chain of command and therefore people without the authorization to get involved in direct combat.²⁶² However, employees of PMCs working in war zones are allowed to use lethal force when protecting their clients and often face the same danger as soldiers. For example, 800 Blackwater guards protecting US diplomats in Iraq were allowed to use deadly force “if the civilians they are protecting face imminent and grave danger.”²⁶³ Ambiguity of legal status is disturbing for contractors themselves as well as for the public. First, if contractors are captured the definition of their status is up to the belligerents to decide. Second, the ambiguity is the obstacle for the legal accountability of employees of PMCs because it is not evident who is eligible for their prosecution.²⁶⁴ Weak regulation and lack of legal accountability are currently crucial topics for scholars dealing with the activities of PMCs and ongoing debates regarding these issues are led in academic circles.²⁶⁵

Another worrying dilemma regarding PMCs is the lack of control over the contracts and activity of contractors, in particular when deployed abroad. The lack of control is caused especially by the insufficient number of officers in charge of the oversight. The

²⁶⁰ Leander, A. (2007) Regulating the role of private military companies in shaping security and politics. In: Chesterman and Lehnardt (eds.) (2007), p. 54.

²⁶¹ International humanitarian law distinguishes between civilians/non-combatants and combatants in order to protect both groups. Those defined as combatants can use the lethal force in a battle without the risk of legal prosecution and they are protected by prisoner of war (POW) status if they are captured. Nevers, R. (2009) Private Security Companies and the Laws of War. *Security Dialogue*. 40(2): 171-172.

²⁶² Elsea, Schwartz and Nakamura (2008), p. 15.

²⁶³ Kidane, W. (2010) The Status of Private Military Contractors under International Humanitarian Law. *Denver Journal of International Law and Policy*. 38, p. 15

²⁶⁴ Singer (2004a), p. 12.

²⁶⁵ Authors dealing with the regulation of PMCs and their legal accountability are i.e. Chesterman and Lehnardt (eds.) (2007); Jäger and Kümmel (eds.) (2007); Kidane, (2010)

officers' shortage became evident under the Bush administration and has been continuing under Obama administration.²⁶⁶ Insufficient control has resulted in the corrupted behaviour of some PMCs, which resorted to fraud. One of the consequences of the misconduct of some PMCs is the waste of money of the US governmental agencies, and primarily of the US taxpayers. The company Custer Buttlers became an illustrative of such a behaviour when it was accused of overbilling its services provided to CPA in Iraq. In August 2003, the company gained a contract to provide logistic support for a currency exchange in Iraq. However, it was proved that the company used false invoices and charged the DOD several millions above the real price. *"The currency exchange operation had cost the company \$3,738,592, but the CPA was billed \$9,801,550 - a markup of 162%."*²⁶⁷

There are positive as well as negative aspects of the use of PMCs. There are, for instance, dilemmas over the effectiveness and efficiency of private military contractors,²⁶⁸ the quality of employees of PMCs and violation of human rights.²⁶⁹ PMCs are positively assessed for qualities such as flexibility and rapid deployment,²⁷⁰ political acceptability,²⁷¹ and special services they offer.²⁷² Debate over the positive and negative impacts of the use of PMCs continues. Nevertheless, it is improbable that their role will diminish in the near future. On the contrary, due to the growing demand for their services and high level of expertise they offer their work has become inseparable part of the US operations. Therefore, the clients of PMCs should strive to utilize the advantages of PMCs and adopt the measures against the potential misconduct of private military contractors.

²⁶⁶ Bureš and Nedvědícká (2011b), p. 100, p. 106.

²⁶⁷ Miller (2004)

²⁶⁸ Krahmann (2007), p. 107.

²⁶⁹ Bureš and Nedvědícká (2011b), p. 147

²⁷⁰ Avant (2007), p.457.

²⁷¹ Perito (2009b), p. 3.

²⁷² Kinsey (2006), pp. 95-96.

4 Security sector reform in post-conflict Iraq

The aim of the fourth chapter is to analyse the contribution of the US PMCs to the progress of security sector reform in Iraq. In the first part of this chapter, I will focus on the state of security sector in Iraq after the end of the US-led invasion in May 2003. Introducing the security situation of Iraq will be included in this section because it is necessary for the understanding of the complexity of the tasks to implement Iraqi SSR. Second part of the chapter will analyse the development of Iraqi security sector since 2003. However, I will mainly focus on those components of security sector reform where US PMCs were involved which are Ministry of Interior and the reform of Iraqi police and border control guards, and Iraqi army reform. Activities of PMCs in the reform of these individual entities will be examined in three subsequent chapters. The results of the training and analysis of the PMCs contribution to the training will be presented in the chapter 4.2.4. In the following part of the chapter, I will introduce the indirect impact of the PMCs on SSR in Iraq. The implications of the involvement of PMCs on the security sector reform in Iraq will be analysed in the chapter 4.3. At the end of the thesis, I will discuss the potential contribution of PMCs for the democratic control over security forces and institutions in Iraq.

4.1 Security sector in post-conflict Iraq

The situation in post-conflict Iraq did not meet pre-war expectations of the US. The US government anticipated that the troops would be welcomed in the country as liberators and after the invasion would transfer the control of the state to the Iraqi interim government. The US planning was based on the assumption that after the war Iraqi security forces would overtake the responsibility for the security in the country. Instead, American presence was perceived rather as an occupation. Moreover, there were no local forces to guarantee security and the country fell into chaos.²⁷³ Therefore the US plan was changed in order to support the reconstruction of Iraq. The US continued to exert its influence on Iraq

²⁷³ Diamond, L. (2005) Building Democracy After Conflict. Lessons from Iraq. *Journal of Democracy*, 16(1): 10.

through the Coalition Provisional Authority which became one of the bodies in charge of post-conflict reconstruction and security sector reform.

The lack of security in Iraq posed a serious threat to the economic and political reconstruction because “*security, which encompasses the provision of collective and individual security to the citizenry and to the assistors, is the foundation on which progress in the other issue areas rests.*”²⁷⁴ Ensuring security is one of the essential preconditions of the successful recovery from a conflict. Only absence of political as well as physical violence makes economic development of the country and therefore improved standard of living possible. “*Economic reconstruction depends upon adequate security; yet security depends upon successful reconstruction.*”²⁷⁵ Supporting security sector reform in post-conflict Iraq was vital for the US interest of restoring a stable and safe environment, guarantee protection of civilians, combat the insurgents, and prepare conditions for the withdrawal of the US troops from Iraq. Nonetheless, reforming Iraqi SSR happened to be more difficult than the US planned.

The SSR in post-conflict country is considered most challenging especially when international military intervention preceded the post-conflict reconstruction, as did in case of Iraq.²⁷⁶ The security sector reform in Iraq was a demanding task, because Iraq suffered from majority of the deficiencies of post-conflict security sector that pose barriers for the reconstruction process.

First, Iraqi ministries as well as security and military forces have faced corruption, which cost Iraq approximately \$5 billion annually²⁷⁷ and the attempts to combat corruption and increase transparency and accountability have been impeded by inadequate leadership capacities.²⁷⁸ Second issue, which immensely aggravated the SSR and security situation, was a lack of security forces able to maintain order and protect civilians. Iraqi security forces self-demobilized since majority of Iraqi police officers and border control guards

²⁷⁴ Feil (2002), p. 6.

²⁷⁵ Henderson, A. E. (2005) The Coalition Provisional Authority’s Experience with Economic Reconstruction in Iraq: Lessons Identified. USIP, Special Report 138, p. 8, <http://www.usip.org/files/resources/sr138.pdf>

²⁷⁶ Hånggi (2004), p. 8.

²⁷⁷ Fenner, L. M. (ed.) (2006) Stand Up and Be Counted: The Continuing Challenge of Iraqi Security Forces. US House of Representatives, Committee on Armed Forces, Subcommittee on Oversight & Investigations. p. 43.

²⁷⁸ Fenner (ed.) (2006), p. 43.

abandoned their posts.²⁷⁹ The Ba'ath Party and the security and intelligence services were dissolved for the purpose of ensuring justice for the victims of former regime. In response to de-baathification, Iraqi army was dismantled on the basis of CPA Order No. 2 from 23rd May 2003²⁸⁰ which caused that around 400 000 military personnel lost their posts.²⁸¹ Paul Bremer, the head of CPA, explained the dissolution of Iraqi army and Ba'ath party in a letter to the US president George W. Bush. "*We must make it clear to everyone that we mean business: that Saddam and the Baathists are finished.*"²⁸²

Main purpose of dissolution of Iraqi army was to show the local people that Saddam's regime is definitely gone. Nevertheless, the army's dissolution was regarded as an offence to Iraqis and it sparked unrest among local population. Dissolving the army is considered a mistake of the US planning because it "[...] *stoked rebellion among hundreds of thousands of former Iraqi soldiers and made it more difficult to reduce sectarian bloodshed and attacks by insurgents.*"²⁸³ Military professionals were either dismissed because of their involvement with former regime or they escaped after the fall of Baghdad.²⁸⁴ As a result, there were no local people able to guarantee security.

The fact that the CPA decided to dissolve Iraqi army is stated as the factor which made the fight against the insurgency and Al-Qaeda more difficult.²⁸⁵ Effort of Al-Qaeda and its local branches to stir up sectarian violence and discourage local people from cooperation with the US worsened security situation in the country. Insurgency, which followed after the invasion in March 2003, provided a fertile ground for the actions of Al-Qaeda fighters. Al-Qaeda, predominantly Sunni jihadist group, targeted mostly the US personnel, the US allies and Shi'ites. The goal of Al-Qaeda fighters was to defeat the US

²⁷⁹ Rathmell, A. (et. al.) (2005a) *Developing Iraq's Security Sector* (Santa Monica: RAND Corporation), pp. 13-14.

²⁸⁰ Coalition Provisional Authority Order Number 2: Dissolution of Entities.
<http://www.casi.org.uk/info/cpa/030523-CPA-Order2.pdf>

²⁸¹ Global Security, Iraqi Military Reconstruction, <http://www.globalsecurity.org/military/world/iraq/iraq-corps.htm>

²⁸² Bremer, P. (2003) Letter from Paul Bremer to George W. Bush. *The New York Times*,
<http://www.nytimes.com/ref/washington/04bremer-text1.html?ref=washington>

²⁸³ Andrews, E. L. (2007) Bremer told Bush of plan to dissolve "Iraqi military and intelligence structures".
The New York Times,

http://www.nytimes.com/2007/09/04/world/americas/04iht-bremer.1.7372961.html?_r=1

²⁸⁴ Dobbins (2009), p. 111.

²⁸⁵ Andrews (2007)

and to establish Islamic state in Iraq governed by Sunnis.²⁸⁶ The attacks were another barriers that hindered Iraqi SSR and overall post-conflict reconstruction.

The US pre-war planning had counted with capable Iraqi security forces; however, there were no local personnel able to ensure security, protection of civilians, and transition of Iraq after the fall of Saddam's regime. The coalition troops were not able to substitute all missing security forces after the dissolution of Iraqi security forces and the country was open to violence, insurgency and looting.²⁸⁷ Iraq found itself in a state of security vacuum. Therefore, the US government agencies had to solve two main tasks. First, they had to find a solution to the lack of security forces that emerged after the invasion and second they had to initiate security sector reform in order to built new Iraqi security forces and hand over forces' supervisory authority to the Iraqi Provisional Government.

Both tasks were extremely challenging and demanded large number of personnel because security situation in Iraq was critical and security sector reform needed to be done from scratch. The US was not able to provide appropriate amount of personnel needed for both tasks.²⁸⁸ The coalition forces were missing sufficient capacities to deal with the insurgency and SSR simultaneously, and did not dispose of enough troops to fill security vacuum after Iraqi security forces were dissolved. Peter Khalil, former Director of National Security Policy for the CPA, notes that *"There were certainly enough troops to win the war, but not to ensure the peace."*²⁸⁹ Increasing criminal disorder undermined the legitimacy of the coalition forces from the beginning of the occupation.²⁹⁰ Such post-conflict situation shows the fallacious pre-war preparations and planning of the reconstruction of Iraq. R. Carr Trevillian, the Justice Department official, described the post-conflict reconstruction of Iraq as the most demanding one since the end of the Cold War. *"If you took all of the post-conflicts from the 1990's and combined them together, it*

²⁸⁶ Masters, J. (2012) Al-Qaeda in Iraq. Council on Foreign Relations, <http://www.cfr.org/iraq/al-qaeda-iraq/p14811>; Katzman, K. (2008) Al-Qaeda in Iraq: Assessment and Outside Links. CRS Report for Congress, <http://www.fas.org/sgp/crs/terror/RL32217.pdf>

²⁸⁷ Rathmell (2005b) Reforming Iraq's Security Sector Reform: Our Exit Strategy from Iraq? *RUSI Journal*, 150(1): 8.

²⁸⁸ Perito, R. (2008) Iraq's Interior Ministry: Frustrating Reform. USIP, <http://www.usip.org/publications/iraq-s-interior-ministry-frustrating-reform>

²⁸⁹ Khalil, P. (2006) Rebuilding and Reforming the Iraqi Security Sector: US Policy during Demoratic Transition. Analysis paper no.9, The Saban Center for Middle East Policy at the Brookings Institution, p. 20.

²⁹⁰ Rathmell (et. al.) (2005a), p. 14.

would not equal what you're up against in Iraq.”²⁹¹ SSR in Iraq needed to be done in such a large scale that had not had a precedent in the past.

The hire of private military contractors has become a way to solve security vacuum that has come after the US invasion. Flexibility, rapid deployment, offer of professional experts and wide range of services were in previous chapters listed as the assets of PMCs. These advantages of PMCs were operationalized also for the SSR in Iraq. PMCs were able to provide experts for training of security forces and military support which the US army lacked or was not willing to provide. A military specialist Michael O’Hanlon claims, “[...] *the need for contractors to support the Iraq transition teams is linked to the shortage of such officers in the US Army at a time when it is also expanding.*”²⁹² Such practice corresponds with the theory discussed in the chapter 2, which states that PMCs are usually the solution to the reluctance or inability of donor countries to send adequate number of military professionals providing the training and expertise of SSR.²⁹³ The US bodies may be in charge of the planning and set the design of the reform, however, private contractors implement it in a large part.²⁹⁴

4.2 Development of SSR in Iraq and involvement of PMCs

After the major combats had ceased, the coalition forces have determined the bodies which would be in charge of SSR in Iraq. The key institutions included Central Command (CENTCOM), Combined Joint Task Force 7 (CJTF-7), the CPA and the US Central Intelligence Agency (CIA).²⁹⁵ DOD was in charge of the ministerial reforms. Numerous bodies responsible for the security sector reform and their weak coordination were counter-productive because of their differing views and conflicting initiatives.²⁹⁶ Besides

²⁹¹ Trevillian, C. R. cited according to Moss, M. and Rohde, D. (2006) Misjudgments Marred US Plans for Iraqi Police. *The New York Times*, http://www.nytimes.com/2006/05/21/world/middleeast/21security.html?_r=1&pagewanted=print

²⁹² O’Hanlon, M. cited according to Pincus, W. (2008) US Seeks Contractors to Train Iraqi Military. *The Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2008/05/03/AR2008050301678.html>

²⁹³ Krahnemann (2007), p. 99.

²⁹⁴ Bensahel, N., Olikier, O. and Peterson, H. (2009) Improving Capacity for Stabilization and Reconstruction Operations (Santa Monica: RAND), p. 8.

²⁹⁵ Rathmell (et. al.) (2005a), p. 15.

²⁹⁶ Rathmell (et al.) (2005a), p. 16.

determining institutions responsible for the reform, the coalition forces set the steps that needed to be done following the end of invasion with the respect to security sector in Iraq. These were:

1. Restore order and neutralize insurgents and terrorists;
2. Rebuild Iraqi security forces (ISF);
3. Reconstruct and reform Iraqi security sector institutions.²⁹⁷

Number one appeared to be problematic because insurgency in Iraq grew in the course of 2004. Although attacks decreased after the surge of additional US forces in 2007 the danger of insurgency persisted up to 2010 because Sunni group felt endangered by the Shi'ite majority in the Iraqi interim government. Sunni insurgents threatened with the attacks on the US personnel and Iraqi government unless the latter would have taken measures towards efficient reconciliation process.²⁹⁸ Remaining two challenges of security sector, rebuilding Iraqi security forces and reconstruction of Iraqi security institutions, were fundamental steps of security sector reform. Therefore, they will be further discussed in the following sections. I will primarily focus on those areas of SSR where PMCs were involved and I will analyse their contribution.

4.2.1 The Ministry of Interior

Developing institutional framework for providing security is the first challenge of the SSR defined by OECD.²⁹⁹ Most of the Iraqi ministerial buildings were damaged during the major combats and ministerial officials from Ba'ath party destroyed all files and documents.³⁰⁰ Iraqi ministries were subjects of the CPA Order No. 2, which dissolved Iraqi entities.³⁰¹ Unlike Ministry of Defence, Ministry of Interior (MOI) was not dissolved because the CPA strived to hand over responsibility for the security in Iraq to MOI.³⁰² It is

²⁹⁷ Rathmell (et al.) (2005a), p. 1.

²⁹⁸ Londoño, E. (2010) Iraq's Sunni insurgent groups gather to plot comeback amid political crisis. *Washington Post*,
<http://www.washingtonpost.com/wp-dyn/content/article/2010/05/31/AR2010053103116.html>

²⁹⁹ OECD (2007), p. 13.

³⁰⁰ Dobbins (2009), p. 111

³⁰¹ Coalition Provisional Authority Order No. 2: Dissolution of Entities.

<http://www.casi.org.uk/info/cpa/030523-CPA-Order2.pdf>

³⁰² Rathmell (et al.) (2005a), p. 42.

probably the most essential Iraqi institution regarding the SSR which carries out important tasks critical for the successful SSR. Therefore, it is a subject of this part of the chapter.

During the Saddam regime, MOI had low prestige because the security tasks were undertaken by Ba'ath party.³⁰³ Since the inception of post-conflict reconstruction, MOI has been in charge of Iraqi Police Service, Iraqi National Police, the National Information, the Iraqi Border Enforcement Service and the facilities protection service.³⁰⁴ MOI has a responsibility for the police reform; however, it suffered from a weak leadership and it was not able to properly carry out its responsibilities. It was accused of ineffectiveness, corruption, serious human rights abuses and sectarian bias.³⁰⁵

Iraq is a country dealing with ethnic disputes which take place among Sunnis, Shi'ites and Kurds.³⁰⁶ Therefore, CPA divided the control over Iraqi ministries to politicians representing all three ethnic groups in order to stem the domination of any of them.³⁰⁷ Nevertheless, there were complaints about attacks of Shi'ite militias on Sunnis tolerated by MOI and continued sectarian divisions which caused distrust among local people.³⁰⁸ The ministry was infiltrated by rival militias groups and criminal gangs, which practically controlled it. MOI's deficiencies were negatively reflected on the police reform, which was taken over by private military companies and the US military personnel (See chapter 4.2.2).

Since 2004, the responsibility for the reform of MOI was held by DOD which took it over from DOS.³⁰⁹ MOI underwent some progress regarding the quality as well as quantity of their personnel. In 2008, the number of trained professionals working on the improvement of MOI's performance increased. Nonetheless, the increase of advisors was

³⁰³ Jones (et al.) (2005), p. 109.

³⁰⁴ Perito (2008)

³⁰⁵ Rathmell (2007) Fixing Iraq's Internal Security Forces: Why is Reform of the Ministry of Interior so Hard? Center for Strategic & International Studies (CSIS), PCR Project Special Briefing, p. 1.

³⁰⁶ Since 1958, Kurds and Shi'ites were excluded from the politics, which was dominated by Sunnis. The disputes among the ethnic groups prevailed also after the fall of the regime. Jones (et al.) (2005), p. 108.

³⁰⁷ Perito (2008)

³⁰⁸ Cordesman and Mausner, A. (2009) Withdrawal from Iraq: Assessing the Readiness of Iraqi Security Forces (Washington D.C.: CSIS), p. 78, 80.

³⁰⁹ Perito (2008); Other Iraqis security institutions including particularly Ministerial Committee on National Security were built by June 2004. It was followed by building of Ministry of Defence from the ground by November of the same year. For more information see Rathmell (2005b), p. 10.

not sufficient. According to Robert M. Perito, the key for the police reform is functional MOI and for that purpose *“the US-led, multinational advisory team should be increased and staffed with civilian police executives and specialists in management, personnel, procurement, budgeting and other functions.”*³¹⁰ The growing number of the US advisors was regarded as an important step for the successful reform.

The private military contractors have been involved in the reform of Iraqi ministries through the police and military training which will be discussed in two following parts of the chapter. Also, they have advised *“senior defense and interior ministry officials on strategic planning and management.”*³¹¹ DynCorp won a contract to provide 128 senior advisors, mentors, and trainers to Iraq’s Ministry of Interior and Ministry of Defense (MOD).³¹² DynCorp perceived its involvement on the reform of the ministries as *“important opportunity to contribute to a democratic transition in Iraq,”*³¹³ which is an ambitious aim.

MOI’s Transition Team was established in order to develop ministry’s functions such as developing and implementing plans and policies, intelligence, personnel management etc. In 2006, the team consisted of 100 advisors of whom one third was formed by employees of MPRI.³¹⁴ However, overall training did not bring positive outcomes and in 2008 MOI was still not effective and capable to be in charge of efficient police reform. One of the reasons for slow progress of the reform of the Ministry of Interior was that the number of the advisors was not sufficient. Given the difficult conditions in Iraq, where the obstacles were greater than ever before, the demand for advisors was immense. *“[...] it is not surprising that the flawed tools available to us are having limited impact.”*³¹⁵

³¹⁰ Perito (2008)

³¹¹ Perito (2009b), p. 2

³¹² DynCorp International, Training and Mentoring. <http://www.dyn-intl.com/news-events/events/di-at-idex-2011/training-mentoring.aspx>

³¹³ DynCorp International, Training and Mentoring. <http://www.dyn-intl.com/news-events/events/di-at-idex-2011/training-mentoring.aspx>

³¹⁴ Measuring Stability and Security in Iraq. Report to Congress, November 2006, p. 39, <http://www.defense.gov/pubs/pdfs/9010Quarterly-Report-20061216.pdf>

³¹⁵ Rathmell (2007), p. 4.

The number of contracted advisors depends on those who hire these professionals. The decision about the amount of advisors deployed in Iraq is not up to the will of PMC, the client decides. The example is the decision of US government to hire only 500 advisors to train new Iraqi police force although the first proposal called for 6 600 trainers.³¹⁶ I will further deal with the issue of the inadequate number of personnel in the chapter 4.2.4.

4.2.2 Iraqi police reform

Building capable and professional security forces is another challenge for the actors of SSR.³¹⁷ Reform of police is essential for the protection of citizens, law enforcement and overall security in a country. Rebuilding the Iraqi security forces should have created a capable body that would take over the responsibilities over the security in the country after the US withdrawal. After the reform would have been finished, ISF were supposed to provide “*security, which enables local control and rule of law, economic progress, and job creation.*”³¹⁸

Under Hussein’s rule, police was the weakest component of security forces but on the other hand policemen were considered the most respected Iraqi institution. Due to their weak role during the Hussein’s regime, the local police was not trained to tackle serious crimes or political violence.³¹⁹ Although the reform of Iraqi police was understood as a key step for the establishment of security in the country and it was necessary to start from the scratch due to poor state of Iraqi police forces, the US deployed mere dozen of advisors for the training of police force in 2003.³²⁰ At that time, DynCorp had already located 1 500 active and retired police officers to Iraq in order to proceed with the reform.³²¹ This case represents the advantage of PMCs to deploy contractors on a short notice contrary to the national armies and to offer required specialists. In next eight months 50 police advisors arrived in Iraq, which was very small amount compared to 6 600 police trainers initially planned. As a result of slow training, insufficient number of trainers and persisting violence

³¹⁶ Moss and Rohde (2006)

³¹⁷ OECD (2004), p. 13.

³¹⁸ Miska, S. M. (2005) Growing the Iraqi Security Forces. *Military Review*. July-August, p. 66.

³¹⁹ Rathmell (2005b), p. 10.

³²⁰ Moss and Rohde (2006)

³²¹ Moss and Rohde (2006)

in the country, Iraqi inexperienced policemen were not able to efficiently protect themselves and became easy targets of insurgents. “*The first major attack on Iraq's own policemen occurred in October of 2003, when a car bomb killed ten people at a Baghdad police station.*”³²²

New Iraqi police faced similar problems as MOI. Among others it was corruption, sectarianism, and intimidation by militias and criminal organizations. Three years after the training started, Iraqi police was accused of serious prisoner abuses and violation of human rights. In 2006, the US troops found 166 prisoners held in cramped conditions near Baghdad many of whom suffered from hunger or abuse. In a reaction to prisoner abuses, Major General Joseph Peterson claimed that the problems of violation of human rights were addressed by the police training which was designed to instil the respect for human rights.³²³ Nonetheless, the training time was not adequate to inexperience and deficiencies of Iraqi police forces. Bernard Kerik, police commissioner responsible for police mission, “*calculated that it would take nine years to train the force.*”³²⁴ However, the US planned 16 weeks training with eventual eight weeks in addition, and half of the training time was spent on the translation into Arabic.³²⁵ The training was mostly provided by private military contractors particularly from the companies DynCorp, Vinnell, and MPRI.

Up to 2007, Department of State’s Bureau for International Narcotics and Law Enforcement Affairs (INL) received \$1,5 billion from DOD, which were supposed to finance tasks focusing on police and border control reform in Iraq.³²⁶ Part of the sum funded a contract with DynCorp for which DynCorp received \$750 million.³²⁷ In the agreement DynCorp bound itself to provide 690 international police liaison officers in order to arrange assessment, training, and mentoring functions in the field side by side coalition

³²² Fallows, J. (2005) Why Iraq Has No Army. *The Atlantic*,
<http://www.theatlantic.com/magazine/archive/2005/12/why-iraq-has-no-army/4428/>

³²³ The Washington Times (2006) Iraq tackles police reform,
<http://www.washingtontimes.com/news/2006/jan/10/20060110-103848-6388r/?page=all>

³²⁴ Kerik, B. cited according to Moss and Rohde (2006)

³²⁵ Moss and Rohde (2006)

³²⁶ Patterson, A. W. (2007) Contracting for the Iraqi Security Forces. Testimony before the House Committee on Armed Services, p. 2.

³²⁷ Isenberg (2010) There They Go Again: DynCorp in Iraq. *The Huffington Post*,
http://www.huffingtonpost.com/david-isenberg/there-they-go-again-dynco_b_434688.html

troops,³²⁸ MPRI was involved in the reform too. It provided 192 trainers for the Iraq's police training academies.³²⁹ In the time when advisors from DynCorp arrived, the conditions for police reform were adverse – American government agencies were poorly staffed and thousands of local people were waiting for the training.³³⁰

Field training of Iraqi police provided by DynCorp did not fulfil US expectations. Thus, American officials took it over in 2004 relying on heavily armed Iraqi commando units. American military personnel explained that their aim was to assist Iraqis during the police reform, not to assume overall responsibility for the training.³³¹ The cooperation of external and internal actors is regarded as one of the key preconditions for the successful SSR as well as a whole reconstruction process.³³² Issues of ethnic violence emerged, however. Sunni Muslim population complained that “*some units had been infiltrated by Shi'ite Muslim militias and were kidnapping, torturing, and executing scores of Sunni Muslims.*”³³³ In 2006, DynCorp regained the contract to continue the police training in Iraq and in 2008 the US government extended the contract with DynCorp of a value of \$54 700 million. DynCorp was given a task to deploy 800 civilian police advisors to train, advise, and provide support services to Iraqi Police Services, Ministry of Interior, and Department of Border Enforcement.³³⁴ In 2010, DynCorp had 453 police trainers in Iraq.³³⁵

Law enforcement was also a part of the police training that was provided by private military contractors. In April 2003, DynCorp signed a \$50 million contract with the DOS in order to provide 1 000 advisors with 10 years experience of domestic law enforcement who were to assist Iraqi government with the establishment of effective civilian law

³²⁸ Patterson (2007), p. 2.

³²⁹ Patterson (2007), p. 2.

³³⁰ Moss and Rohde (2006)

³³¹ Moss and Rohde (2006)

³³² Hamre and Sullivan (2002), p. 92.

³³³ Isenberg (2010)

³³⁴ DynCorp International (2008) DynCorp International Continues Police Training in Iraq, <http://ir.dyn-intl.com/releasedetail.cfm?ReleaseID=317787>

³³⁵ Cole, A. (2010) DynCorp's Iraq Contracts With US Are Scrutinized. *The Wall Street Journal*, <http://online.wsj.com/article/SB10001424052748703415804575023293904363732.html>

enforcement, judicial and correctional agencies.³³⁶ A month later, DynCorp “*deployed, supported, and equipped US law enforcement personnel to provide police presence, enhance public security, and assist in reestablishing the Iraq National Police by providing necessary training to local police.*”³³⁷

The company MPRI signed a contract with Department of Justice worth \$400 million to provide personnel for International Criminal Investigation Training Assistance Programme (ICITAP) law enforcement programmes. ICITAP cooperated on the reform of Iraqi Ministry of Interior and MPRI’s advisors provided mostly law enforcement training and identifying and screening of potential advisors across the US.³³⁸

However, due to increasing violence and insurgency, police was mostly trained to fight insurgents. In 2009, Robert Perito, Director of Security Sector Governance Center of USIP, recommended to transform Iraqi police from counterinsurgency force to law enforcement body. Iraqi MOI with the US assistance should have played the main role in this task.³³⁹ Nevertheless, the police training and overall SSR of Iraq was taking place in a country of conflict which was under continued attacks of insurgents. Therefore, training continued to focus mainly on the counterinsurgency and Iraqi police became militarized “*with only limited capacity to enforce the rule of law.*”³⁴⁰ As a result of violent environment in which SSR started, police had to be trained as counterinsurgency body, not as law enforcement organization. Iraqi post-conflict situation was specific since the reconstruction started while the attacks of insurgents were still ongoing and the process of SSR was hindered by violent environment. I will further analyse the timing of SSR in the chapter 4.2.4.

Border control is another component of SSR that falls under the competence of MOI and involves the work of PMCs. INL in cooperation with the US International Criminal Investigative Training Assistance Programme (ICITAP) hired 143 border enforcement

³³⁶ CSC (2003) CSC’S DynCorp International awarded \$50 million contract to support Iraqi law enforcement functions in Iraq, http://www.csc.com/newsroom/press_releases/2649-csc_s_dyncorp_international_awarded_50_million_contract_to_support_law_enforcement_functions_in_iraq

³³⁷ Isenberg (2010)

³³⁸ Fenner (2006), p. 16.

³³⁹ Perito and Kristoff, M. (2009a) Iraq’s Interior Ministry: the Key to Police Reform. USIP Peace Briefing, p. 5.

³⁴⁰ Laporte-Oshiro, A. (2012) Policing Iraq. USIP, <http://www.usip.org/publications/policing-iraq>

advisors, 20 of who were provided by MPRI and 123 by DynCorp.³⁴¹ The request for border security trainers was delivered in March 2007 because terrorists, insurgents and weapons that posed a threat to the US troops, still easily penetrated Iraq's borders.³⁴²

4.2.3 MOD and Iraqi army reform

Ministry of Defence (MOD) is in charge of Iraqi Army, Iraqi Air Force and Iraqi Navy. MOD does not face problems of sectarian division as MOI; however, deficiencies such as budget execution, logistics, sustainment, and civilian-military and interagency cooperation persist. MOD still lacks adequately trained and experienced personnel and multi-year acquisition strategy.³⁴³ MOD's Transition Team established by CPA consisted mostly of the MPRI's employees. Their task was to develop the ministry's capacity to manage key functions such as intelligence, security, contracting, investigations etc.³⁴⁴

Already during the pre-war preparations, the US planned to dissolve Iraqi military forces and to create significantly smaller army compared to the Hussein's one. The new Iraqi army was supposed to have strictly defensive purpose.³⁴⁵ In September 2003, CPA proclaimed its goal to form 27 battalions within 12 months. The US intended to train the recruiters for convoy security, running checkpoints and standing guard over facilities in order to relieve coalition forces.³⁴⁶ However, the special force, which was usually in charge of training programmes, was given together with other US forces new roles that were more related to the tasks of military shock troops.³⁴⁷ The US troops were heavily occupied by the tasks of military character in unstable Iraq and they needed to find another actor to provide the training. Dissolving Iraqi army opened the opportunities for private military contractors.

³⁴¹ Patterson (2007), p. 2.

³⁴² Benson, M. (2007) Border agents recruited for Iraq, *The Arizona Republic*, <http://www.azcentral.com/arizonarepublic/local/articles/0519borderpatrol0519.html>

³⁴³ Cordesman (2009), p.71.

³⁴⁴ Measuring Stability and Security in Iraq. Report to Congress, November 2006, p. 47

³⁴⁵ Rathmell (et al.) (2005a), p. 33.

³⁴⁶ Shanker, T. (2003) The Struggle for Iraq: Reconstruction; US is Speeding up Plan for Creating New Iraqi Army. *The New York Times*, <http://www.nytimes.com/2003/09/18/world/struggle-for-iraq-reconstruction-us-speeding-up-plan-for-creating-new-iraqi-army.html?pagewanted=all&src=pm>

³⁴⁷ Rosenfeld, S. (2004) Iraq: Vinnell's Army on the Defensive. CorpWatch, <http://corpwatch.org/article.php?id=7842>

The private military company Vinnell won a one-year contract worth \$48 million to train nine battalions of new Iraqi army with the option to train all 27 battalions if it performed well. Vinnell subcontracted other US PMCs for this job such as Science Applications International Corp. (SAIC), MPRI, Eagle Group International etc.³⁴⁸ SAIC was responsible for recruiting stations with a poster campaign advertising job opportunities in the new force. By the August 2003, there were 1 000 recruiters ready for the training.³⁴⁹ Problems appeared when 480 new recruiters, more than half of a total, deserted due to a low pay, inadequate training, faulty equipment, ethnic tensions and lack of discipline during the training.³⁵⁰ Retired special forces soldiers who have experience in the army training criticized the course of the training and compared it to “*college instruction than military boot camp.*”³⁵¹ Despite the low level of training, new Iraqi recruits were supposed to face insurgents which put them in severe danger and subsequently caused desertion.³⁵²

Besides the complaints of recruits, CPA was not satisfied with the speed of the Vinnell’s training and wanted newly trained Iraqi Army to be ready earlier. The US government hired Jordanian army to finish the training; nonetheless, it let Vinnell retain overcharged contract and train Iraqi non-commissioned officers.³⁵³ SAIC was also criticized for its performance. Major General Paul Eaton argued that after a year of training under SAIC there was no progress.³⁵⁴ John Pike said that the main reason for the SAIC’s failure was that they did not take it seriously enough and conducted the training too superficially.³⁵⁵

³⁴⁸ Lamar, J. (2003) Northrop Grumman Awarded \$48 Million Contract to Train New Iraqi Army. *GlobeNewswire*, <http://www.globenewswire.com/newsroom/news.html?d=42207>

³⁴⁹ Rathmell (et al.) (2005a), p. 34.

³⁵⁰ Rosenfeld (2004)

³⁵¹ Rosenfeld (2004)

³⁵² Khalil (2006), p. 24.

³⁵³ Rosenfeld (2004)

³⁵⁴ Eaton, P. cited according to Calbreath, D. (2004) Iraqi army, police force fall short on training. *Sign on San Dieco.com*, http://www.signonsandiego.com/uniontrib/20040704/news_mz1b4iraqi.html

³⁵⁵ Pike, J. cited according to Calbreath (2004)

4.2.4 Results and evaluation of the training

The progress of the Iraqi security forces training contended with the problems which according to SIGIR, had stood unresolved by the December 2011 deadline of the US withdrawal.³⁵⁶ After six months of occupation and ongoing security sector reform, Donald Rumsfeld claimed that the size of Iraqi security forces climbed from zero up to 100 000 people.³⁵⁷ However, the quantity was higher than the quality. The US prepared four-part classification scheme of the readiness of the Iraqi security forces:

1. Level one applies to fully capable units those that could plan, execute, and maintain counterinsurgency operations with no assistance;
2. Level two includes capable units, which can fight the insurgents with the US operational assistance;
3. Level three encompasses partially capable units, those that could provide extra manpower in efforts planned, led, supplied, and sustained by Americans;
4. Level four applies to incapable units unable to combat insurgency.³⁵⁸

In summer 2004, Pentagon officials estimated that one Iraqi unit reached first level, one third of Iraqi army units met the requirements of level two, remaining two thirds of Iraqi units and half of the Iraqi policemen reached third level, and the other half of the police units fell into fourth category.³⁵⁹ American commanders expected that until 2006, Iraqi police forces would had grown to 190 000 personnel, who would protect civilians, maintain secure environment, deal with insurgents and enable US troops to leave.³⁶⁰ Until 2007, the US agencies had trained around 135 000 Iraqi Police Service personnel, 24 000 National Police Service personnel and approximately 28 000 border security guards.³⁶¹ However, Iraqi police still was able to face insurgents and deal with organized crime. In

³⁵⁶ Special Inspector General for Iraqi Reconstruction (SIGIR) (2011) Quarterly Report and Semiannual Report to the United States Congress, January, http://www.sigir.mil/files/quarterlyreports/January2011/Report_-_January_2011.pdf#view=fit

³⁵⁷ Fallows (2005)

³⁵⁸ Fallows (2005)

³⁵⁹ Fallows (2005)

³⁶⁰ Moss and Rohde (2006)

³⁶¹ Patterson (2007), p. 1.

addition, border controls were weak and enabled militias to collude with police units.³⁶² The police failed to provide security to Iraqi citizens and it was in a need of consistent assistance from the coalition troops.³⁶³ According to Special Inspector General for Iraqi Reconstruction (SIGIR) “Iraq will not be fully able to defend its borders and airspace until at least 2020.”³⁶⁴

Several obstacles, which were not influenced by the PMCs, hindered the training of Iraqi security forces. First, SSR in Iraq was affected by continuing fights, which caused that advisors either could not perform their tasks or needed the protection. As mentioned previously, according to John Hamre and Gordon Sullivan, post-conflict reconstruction starts in those areas, where the violence ended.³⁶⁵ This was not the case for Iraqi post-conflict reconstruction. The US interest was to leave Iraq as soon as possible which was among others given by the growing demands of local people for the US withdrawal.³⁶⁶ Therefore, while the country was still under attacks of insurgents, reconstruction process started. “[...] *the need for speed was always in conflict with the desire to undertake capacity-building at a more gradual pace in order to build sustainable, high-quality forces.*”³⁶⁷ The speed of the reform was at the expense of its quality. Unstable conditions in Iraq significantly aggravated the progress of SSR and included training of Iraqi military and security forces.

Second, problematic issue was the small number of advisors compared to the amount of new police recruits waiting for the training. For instance, one expert from DynCorp had 40 assistants at his disposal to train 20 000 Iraqi policemen across four provinces. The quality of the training in such conditions could not reach the level of American one-on-one way of mentoring.³⁶⁸ DynCorp deployed altogether 500 trainers in Iraq in 2006. However, for security reasons they had to stay within the camps most of the

³⁶² Rathmell (2007), p.1.

³⁶³ Pfaff, T. (2008) Development and Reform of the Iraqi Police Forces. Strategic Studies Institute, pp. 1-2.

³⁶⁴ Defense News (2011) SIGIR: Iraq Forces Need Assistance Until 2020, <http://www.defensenews.com/article/20111030/DEFSECT04/110300301/SIGIR-Iraq-Forces-Need-Assistance-Until-2020->

³⁶⁵ Hamre and Sullivan (2002), p. 90.

³⁶⁶ Krahmann (2007), p. 99.

³⁶⁷ Jones (et al.) (2005), p. 114-115.

³⁶⁸ Moss and Rohde (2006)

time. Moreover, federal programme permitted only 500 trainers, not more.³⁶⁹ Such low amount of available advisors located in such an unstable environment did not allow for adequate training of inexperienced Iraqi security forces which resulted in low quality of new recruits and policemen. Higher number of adequately trained police and military personnel was necessary to solve security situation in Iraq, where “*reconstruction was jeopardized by crime, sabotage, and insurgency.*”³⁷⁰

Another shortcoming on the side of the US government, which may be prevented in the future, were low salaries of Iraqi military personnel. Low incomes were part of the reason why massive desertion of new Iraqi recruits occurred. According to John Ohiorhenaun, one of the steps which should be done when reforming security sector is salary review of military personnel.³⁷¹ The US paid recruits in Baghdad \$70 a month which is less than a minimum wage in Iraq.³⁷² This point of reform was therefore underestimated and discouraged recruits from staying in the army where they faced insurgency and immense risks. Due to the desertion, the course of training was decelerated.

PMCs negatively contributed to a slowdown of Iraqi SSR when they failed to finish the training. Negative aspect of the utilization of training provided by PMCs is the uncertain quality of their performance. This was demonstrated on the inability of DynCorp to finish the Iraqi police training in 2003 and on a situation when Vinnell and SAIC were unable to carry out the army training. Such situation may be prevented in the future cases of outsourcing of PMCs services if vetting of security provider candidates is done carefully. Selection of the PMC, which should had been in charge of the Iraqi army training, was done too hastily. Vinnell appeared as an adequate candidate because it had experience with the training of Saudi Arabia’s National Guard. However, the training in Saudi Arabia was performed in a completely different environment which could not be compared to the conditions in Iraq. “*Vinnell's assignment in Iraq [...] was different from its role in Saudi Arabia, where it interacted with high-level officers and helped with war games and big-*

³⁶⁹ Moss and Rohde (2006)

³⁷⁰ Henderson (2005), p. 8.

³⁷¹ Ohiorhenaun cited according to UN DESA (2007), p. 18.

³⁷² Calbreath (2004)

*picture operational planning.*³⁷³ Contrary to Vinnell's role in Saudi Arabia, the company was responsible to train completely Iraqi army from scratch. Consequently it did not manage to finish the task. The US government could avoid the problems with more thorough selection process of private military company although it can be very complicated.³⁷⁴

Critiques of the use of PMCs in SSR argue that uniformed personnel could do a better job. Peter Singer claims that by outsourcing the services, the US lost control over the course of the training which has been "*a source of frustration to the Iraqis as well as the US.*"³⁷⁵ Major General Paul Eaton claims, "*Soldiers need to train soldiers. You can't ask a civilian to do a soldier's job.*"³⁷⁶ He argues that the US army would have performed better than contractors who focus mostly on classroom training of strategy and tactics but not enough on the combat skills.³⁷⁷ The fact that the training provided by Vinnell and DynCorp in 2003 was finished by uniformed military personnel corresponds with the arguments that uniformed personnel are more suitable for the security forces training. Robert Perito claims, "*For the defense sector, initial reliance on the contract trainers in Iraq [...] proved ineffective.*"³⁷⁸

However, DynCorp's contract for the police training was extended despite the previous dissatisfaction with its performance. The US lacked sufficient amount of uniformed personnel and no country intended to send its troops to assist in the SSR of Iraq, there was no other choice but to outsource the police training.³⁷⁹ As Elke Krahnemann claims, "*both transitional and donor states view PMCs as a second choice when compared to using uniformed military or police force.*"³⁸⁰ PMCs were probably not better providers of the training. However, they presented the only choice.

³⁷³ Rosenfeld (2004)

³⁷⁴ PMCs vet their employees in doubtful way; the client can barely find out which tests contractors had to undergone and what is contractor's psychological profile. More information on the issue of vetting can be found in Bureš and Nedvědícká (2011b), p. 147-148; or Singer (2003) Peacekeepers, Inc. *Policy Review*. 119.

³⁷⁵ Singer cited according to Calbreath (2004)

³⁷⁶ Eaton, P. cited according to Fenner (2006), p. 13.

³⁷⁷ Eaton cited according to Calbreath (2004)

³⁷⁸ Perito and Kristoff (2009), p. 6.

³⁷⁹ Pincus (2008)

³⁸⁰ Krahnemann (2007), p. 98.

4.2.5 Indirect role of PMCs in SSR

Not only did PMCs play a direct role in SSR through the training, private military contractors assisted during the security sector reform also indirectly by providing several critical services. First, PMCs protected convoys carrying weapons and ammunition for the Iraqi army and police.³⁸¹ Second, while SSR was being implemented, Iraq was still under insurgency attacks and there was a need to protect those who executed tasks related to post-conflict reconstruction. Besides providing directly training of Iraqi security forces, PMCs were hired to protect those who carried out security sector reform tasks, too.³⁸² Protection of the US military personnel or private military contractors providing services related to SSR is often subcontracted to another PMC. The US troops are responsible only for the protection of those civilians who are hired by DOD.³⁸³ In the report of DOD, the group called *Contractors not in Direct Support of Deployed Military Forces* includes contractors who either participated on the SSR or protected those who carried the reconstruction tasks.³⁸⁴

Third, knowledge of the local language is an important prerequisite for the collection of information and analysis of human intelligence. Since private military companies employ experts with appropriate language skills,³⁸⁵ and because building Iraqi intelligence service came late and it was poorly coordinated,³⁸⁶ services of PMCs helped to speed up the intelligence gathering for the US army. L-3 company was hired to assist with staffing and maintenance of acquisition and analysis of human intelligence in Iraq in years 2005-2009.³⁸⁷ Titan, subsidiary of L-3, provided altogether 7 000 translators to support the

³⁸¹ Cordesman (2007), p. 56.

³⁸² Isenberg (2006) A Government in Search of Cover: PMCs in Iraq. Paper prepared for “Market Forces: Regulating Private Military Companies,” 23-24th March 2006 conference, Institute for International Law and Justice, New York University School of Law. p. 6. <http://www.mafhoum.com/press9/279P2.pdf>

³⁸³ Störber (2007) Contracting in the Fog of War...Private Security Providers in Iraq: A Principal-Agent Analysis. In: Jäger and Kümmel (eds.) (2007), p. 127.

³⁸⁴ US Department of Defence (2005) Report to Congress on Contractors Supporting US Forces and Reconstruction in Iraq. Public Law 108-375, Section 1206 Report, <http://www.fas.org/irp/agency/dod/1206report.pdf>

³⁸⁵ Isenberg (2004), p. 24

³⁸⁶ Rathmell (2005), p. 10.

³⁸⁷ Chaterjee, P. (2008) Outsourcing Intelligence in Iraq: A CorpWatch Report on L-3/Titan. Updated December 2008 with the Recommendations from Amnesty International. CorpWach, p. 4-6,

reconstruction process and to assist during military interrogation.³⁸⁸ However, Titan deployed contractors with low competence and as a result it had the highest rate of casualties of any PMC in Iraq – at least 280 deaths until 2008.³⁸⁹

Moreover, contractors from Titan were involved in the torture of Iraqi prisoners in Abu Ghraib and the company was accused of overbilling their invoices.³⁹⁰ Despite the incidents, Titan's language translation contract with the US army and worth \$380 million was extended.³⁹¹ L-3 and its subsidiary Titan provided intelligence services and enabled the US forces to focus on the establishment of Iraqi Intelligence agencies. Their role in the training of personnel of intelligence service was therefore indirect. L-3 and Titan contractors did not participate on the training; however, they temporarily substituted for local intelligence forces and facilitated their development. The CIA in a close cooperation with British intelligence was in charge of building new Iraqi intelligence agencies. In 2009, development of Iraqi Intelligence agencies made essential progress; nevertheless, there were still steps that needed to be done.³⁹²

4.3 Implications of the use of PMCs in SSR

The US agencies ran into problems related to the use of PMCs in Iraqi SSR. First issue was related to misconduct, frauds and corruption. In her testimony to the House Committee on Armed Services, Ambassador Anne W. Patterson admits that “*INL relies on contractors to implement critical assistance efforts in Iraq and other crisis zones,*” and she claims that “*the sizeable contracts are closely monitored.*”³⁹³ Nonetheless, the monitoring was not effective and allowed for frauds and waste of US taxpayer's money. For instance, problems were found in the administration of contracts and invoices of DynCorp. Several audits showed that DynCorp either overcharged the US government or that their invoices

http://s3.amazonaws.com/corpwatch.org/downloads/Outsourcing%20Intelligence_Updated%20Dec%202008%20WEB.pdf

³⁸⁸ Isenberg (2009), p. 102.

³⁸⁹ Chaterjee (2008), p. 5.

³⁹⁰ Isenberg (2009), p. 102.

³⁹¹ Washburn, D. (2005) Titan Gets Extension in Interpreters Contract. *San Diego Union Tribune*.

http://www.signonsandiego.com/uniontrib/20050720/news_1b20titan.html

³⁹² Cordesman and Mausner (2009), p. 91.

³⁹³ Patterson (2007), p. 5.

were too vague. One of the DOS audits performed in 2005 found out that “*DynCorp International employees overcharged the US government \$685 000 to provide fuel for a police academy in Jordan used to train Iraqi security forces.*”³⁹⁴ Regardless of the problems that occurred, DynCorp won LOGCAP IV contract in an estimated value of \$5 874 billion³⁹⁵ and gained another contract to train and mentor Iraqi policemen in the cooperation with American officials in 2006, which was declared the year of the police by Pentagon.³⁹⁶ The contract with DynCorp was further extended until August 2010. However, weak DOS’s oversight of the contract with DynCorp still continued.³⁹⁷

The unstable chaotic environment in Iraq after the US invasion and weak control of PMCs allowed the contractors to corrupt without punishment. The financial frauds were frequent. Treasury Department for Financial Crimes Enforcement Network (Fincen) announced that it generated 15-16 million reports a year on suspicious financial activity.³⁹⁸ Despite the frauds and crimes that some PMCs employees committed, the US government continued to hire these companies. Such action indicates the reliance of the US on PMCs and their significant role in US-led reconstruction process. DynCorp is one of the examples of a company that gained new contract with the US government to train Iraqi police despite the accusation of inadequate invoices. Another example shows Titan’s contract to provide translation services and its extension regardless of the involvement of Titan’s employees in the torture in Abu Ghraib.³⁹⁹

The practice of the US government agencies to extend the contracts with the PMCs, which were involved in scandals, torture and frauds, is questionable. The case of Blackwater can serve as an example to find an answer to such action. Blackwater security guards opened a fire and killed 11 civilians in Nisour Square in Baghdad. Despite the

³⁹⁴ Isenberg (2009), p. 94.

³⁹⁵ Reuters (2009) DynCorp International Awarded New LOGCAP IV Task Order for Southern Afghanistan Support, <http://www.reuters.com/article/2009/07/08/idUS191919+08-Jul-2009+BW20090708>

³⁹⁶ Moss and Rohde (2006)

³⁹⁷ Special Inspector General for Iraqi Reconstruction (SIGIR) (2010) Long-Standing Weaknesses in Department of State’s Oversight of DynCorp Contract for Support of the Iraqi Police Training Program. Report 10-008, p. 6, 11, <http://www.sigir.mil/files/audits/10-008.pdf>

³⁹⁸ Glanz, J. (2010) New Fraud Cases Point to Lapses in Iraq Projects. *The New York Times*, http://www.nytimes.com/2010/03/14/world/middleeast/14reconstruct.html?_r=1

³⁹⁹ Washburn (2005)

incident, Blackwater remained in Iraq to fulfil its obligations.⁴⁰⁰ Tahseen al-Sheikhly explained that immediate removal of Blackwater's employees would have caused security vacuum in Baghdad and troops from other parts of the country would have to be redeployed which would worsen security situations outside the capital.⁴⁰¹ Officials from State Department announced that they *"had no other option but to keep using the contractors, given their lack of Diplomatic Security forces."*⁴⁰² Security sector reform was the prerequisite for the improvement of security situation in the country. Therefore, withdrawal of those PMCs working on the SSR could have slowed down the process and the lack of the trained military and security forces would have persisted.

The US reliance on the PMCs and weak oversight of their activities caused that some of those PMCs which committed crime remained in Iraq. Their presence was perceived negatively by local population and decreased the respect of local people to foreign contractors in the country.⁴⁰³ There is a general negative feeling towards private military contractors in Iraq. Iskader Witwit, a member of Iraqi Parliament's security and defence committee, claims that the presence of large number of contractors *"negatively impacts the security in the country."*⁴⁰⁴ After the US troop withdrew from the country, Iraqi authorities assumed the responsibility for the control of private military contractors operating on their territory. Latif Rashid, a senior advisor to the Iraqi president, told the New York Times that the reason for strict monitoring was a deep mistrust to PMCs among local population.⁴⁰⁵

Considering the reliance of the US on the services provided by PMCs improved oversight of their performance would contribute to more efficient utilization of outsourced

⁴⁰⁰ Rubin, A. J. and Kramer, A. E. (2007) Iraqi Premier Says Blackwater Shootings Challenge His Nation's Sovereignty. *The New York Times*, <http://www.nytimes.com/2007/09/24/world/middleeast/24iraq.html>

⁴⁰¹ Rubin and Kramer (2007)

⁴⁰² Singer (2007) Can't Win With 'Em, Can't Go to War without 'Em: Military Contractors and Counterinsurgency. Foreign Policy at Brookings, Policy paper no. 4, p. 1, <http://www.brookings.edu/~media/Files/rc/papers/2007/0927militarycontractors/0927militarycontractors.pdf>

⁴⁰³ Dunlop, W. G. (2012) Mistrust begets sanction: Iraq wants to limit private security contractors. *Middle East Online*, <http://www.middle-east-online.com/english/?id=50518>

⁴⁰⁴ Witwit, I. cited according to Dunlop (2012)

⁴⁰⁵ Schmidt, M. S. and Schmitt, E. (2012) Flexing Muscle, Baghdad Detains US Contractors. *The New York Times*, http://www.nytimes.com/2012/01/16/world/middleeast/asserting-its-sovereignty-iraq-detains-american-contractors.html?_r=1&pagewanted=all

services. Strict oversight could prevent overcharged invoiced and wasted finances. Moreover, it could guarantee that the tasks included in the contract would be carried out. SIGIR repeatedly urged DOS for an adequate oversight of DynCorp contracts and invoices in order to ensure that the responsibilities which it was paid for were fulfilled.⁴⁰⁶ Improved legal accountability is necessary in order to punish those contractors who committed crimes such as Titan which was involved in the torture in Abu Ghraib. In addition to that, functioning legal accountability is important step to gain respect of local people who were deeply concerned about the misconduct of PMCs in Iraq. *“This mistrust stems from perceived arrogant behaviour by employees of these firms in the past and various incidents of violence involving them.”*⁴⁰⁷ The security sector reform cannot be fully implemented without the cooperation of local population, which was stated in the chapter 1. General mistrust in private military companies, which heavily cooperated on the reform, is not beneficial for the efficient SSR.⁴⁰⁸ Therefore, improving legal accountability is one of the preconditions of efficient SSR in Iraq.

4.4 The impact of PMCs on the democratic oversight of SSR

Security sector reform does not necessarily lead to a regime change. According to Michael Brzoska and Andreas Heinemann-Grüder, security sector reform is *“not yet about the agenda of democratic consolidation.”*⁴⁰⁹ Objective of army and police training is building military and security forces which would work under adequate civilian democratic control so that the military would not gain dominant power in a country. The aim of the US effort in Iraq was to *“build an effective military and security sector under authentic democratic direction.”*⁴¹⁰ SSR does not aim to build democratic state it rather seeks to

⁴⁰⁶ Special Inspector General for Iraqi Reconstruction (SIGIR) (2010)

⁴⁰⁷ Dunlop (2012)

⁴⁰⁸ The mistrust of Iraqi people led to the efforts to limit PMCs activity on Iraqi territory. For more information see Dunlop (2012)

⁴⁰⁹ Brzoska and Heinemann-Grüder (2004), p. 129.

⁴¹⁰ Khalil (2006), p. 17.

establish security sector under democratic civilian oversight, which is considered more important part of the successful SSR than equipment and materiel.⁴¹¹

The contribution of PMCs to democratic oversight of security forces is a disputable topic. PMCs in Iraq including DynCorp, Vinnell and MPRI were mostly in charge of training of the police, border control guards and military forces. The role of PMCs in Iraq corresponds with the statement of Elke Krahmman, who claims that PMCs participate on the organizational part of the security sector reform, which includes i.e. transport, force professionalization training, and physical protection.⁴¹²

However, Elke Krahmman also argues that PMCs have hardly any impact on the development of democratic control over security institutions and good governance in a country in a transition process.⁴¹³ Contrary to that, Francesco Mancini claims that the military training provided by PMCs in Iraq incorporated human rights, rules of engagement, and role of the military in society.⁴¹⁴ For example, DynCorp states on its website that it “[...] *provides law enforcement training and mentoring to build professional and fair police institutions that support community stability, human rights and democracy.*”⁴¹⁵ DynCorp offers training which would lead to respect of the human rights and principles of democracy. Nevertheless, the abuses and violation of human rights committed by Iraqi police either demonstrate that DynCorp was not hired to provide this kind of training or that the training failed. It is difficult to measure impact of DynCorp or any other PMCs on democratic accountability of security institutions because the data are not available so far. Collection of the data necessary to analyse the influence of private military contractors on the democratic accountability of SSR and civil-military oversight are, therefore, conditioned by a field research in Iraq. It would be vital to interview the Iraqi people who undergone the training within SSR and analyse their opinions and views. Therefore, it is not in the capacity of this thesis to state whether PMCs influenced the democratic control either positively or negatively, or if they were not asked to try at all.

⁴¹¹ Brookings (2004) Rebuilding Iraq’s National Security Infrastructure. <http://www.brookings.edu/events/2004/1028iraq.aspx>

⁴¹² Krahmman (2007), p. 97.

⁴¹³ Krahmman (2007), p. 97.

⁴¹⁴ Mancini (2005), p. 51.

⁴¹⁵ DynCorp International. Development. <http://www.dyn-intl.com/what-we-do/development.aspx>

The question is if private military contractors would have been respected by local population as the human rights and democratic principles teachers. Employees of PMCs committed abuses of prisoners, frauds, and killing of civilians. Such behaviour caused mistrust of locals in PMCs and it is probable that private military contractors would not be respected as the mentors of democratic principles and human rights. Nevertheless, it is too early to assess democratic oversight of security and military forces in Iraq because of the recent withdrawal of the US troops, which took place in December 2011. The progress of democratic control over security forces in Iraq will be more evident in the future.

Conclusion

The aim of this thesis was to analyse the involvement of PMCs in security sector reform in Iraq between 2003 and 2011. When analysing the role of PMCs, benefits and shortcomings of their use were identified. The definition of the shortcomings of the use of PMCs can serve as lessons learned for future cases of outsourcing PMC services; furthermore, it can improve the utilization of the benefits that PMCs offer. Additionally, this paper defined the obstacles of the progress of SSR that were caused by US bodies. These barriers influenced the course of Iraqi security forces training, and therefore an analysis of these obstacles is significant can as well.

In order to reach the aim of the thesis it was necessary to anchor the case study into a theoretical framework. For this reason, the first chapter of the thesis defined the term post-conflict reconstruction and its challenges. The termination of violence in a country was determined as a proper time for the start of post-conflict reconstruction, which process involves the security sector, justice and reconciliation, social and economic development and governance. In order to achieve good results, the work in all issue areas needs to be coherent. However, ensuring security was defined as a precondition for the progress in the rest of the areas of post-conflict reconstruction. This chapter further dealt with the security sector. It described its components, including core actors such as police and army, security management and oversight bodies, and justice and law enforcement institutions. Barriers of post-conflict security sector such as corruption, ethnisation, lack of professionalism and dysfunctional civil-military relations were identified. Because security was defined as a prerequisite for successful post-conflict reconstruction, it becomes apparent that obstacles need to be addressed by the security sector reform in order for the reconstruction process to be successful. Therefore, this chapter pointed out several steps that need to be done in order to implement efficient SSR. Mainly, the reform needs to encompass all components of security sector and the cooperation of external and domestic actors is essential for the success.

The second chapter presented the definitions and typology of PMCs. In order to define PMCs, differences between mercenary and PMCs were first identified. This chapter

addressed the attempts of international community to define the term mercenary and to condemn the activities of such. Besides the academic literature, documents of international law helped to find the differences between mercenaries and PMCs. Contrary to mercenaries, PMCs provide wide range of services including logistics, strategic advice, military training, technological assistance, and so on. Moreover, PMCs are commercial firms presenting their corporate image, and they declare that they work only for legitimate governments. Additionally, there is a variety of PMCs that also differ among each other. Therefore, the second chapter encompassed typology that helped to categorize individual private military companies according to the services they offer.

Finally, the second chapter provided theoretical background of the use of PMCs in the area of SSR. It was determined that PMCs participate in SSR mostly in the form of police and military forces training, and in the rebuilding of crucial ministries related to security, defence and justice. Moreover, PMCs can support demobilization process. Nevertheless, the chapter revealed the disagreement among scholars about the contribution of PMCs to the development of democratic oversight for security forces and in respect of human rights. Although PMCs offer experts needed for SSR, the states prefer uniformed personnel to PMC if they have a choice, nonetheless.

The purpose of the third chapter was to clarify the historical background of the reliance of the US military on private military contractors. Private military forces accompanied the Americans during the American War of Independence, and the use of their services gradually intensified throughout the nation's history. PMCs were present in every major conflict in which the US took part. At first, PMCs provided non-combat support services such as logistics and cooking. However, due to the increasing complexity of military equipment, the role of PMCs significantly changed when their technical experts started to provide services on the battlefield in addition to previous roles. The Vietnam War serves as an example, as the US army needed private military contractors to maintain military equipment during direct combat. Also, in the Korean and Vietnam War, PMCs began to be increasingly used as a tool of the US to wage war without full mobilization of US soldiers. Such action was taken in order to avoid public protests against both wars and the killing of American soldiers.

In the aftermath of the Cold War, the states started to widely downsize their armies, and the activity of PMCs significantly increased to fill the gap that was left after decreasing military personnel. The US has become a major client of PMCs; however, the fundamental growth of the number of PMCs on the US market began after the September 2001. The conflicts in Afghanistan and Iraq involved more private military contractors than any other previous war. In Iraq, private military contractors supported the US troops during the invasion, as well as during post-conflict reconstruction, and their number was equal to the amount of uniformed personnel. Extensive use of PMCs revealed serious gaps such as weak legal accountability and control over the performance of PMCs. These shortcomings were further discussed in the fourth chapter with the focus on the work of PMCs in SSR.

The fourth chapter aimed at answering the research question: *What are the key shortcomings and benefits stemming from the use of PMCs services by the US government for the security sector reform in Iraq?* For this purpose, the state of the Iraqi security sector was examined at first in order to clarify the conditions for the implementation of the reform. The thesis identified serious obstacles that hindered the implementation of SSR in Iraq. First, the Iraqi army was dissolved which resulted in a security vacuum in the country and which angered Iraqi military officials. Second, the majority of Iraqi policemen abandoned their posts, thus deepening the security void. Third, the security situation in Iraq worsened due to insurgency and the attacks of Al-Qaeda fighters. Therefore, dismissal of local security forces was considered a mistake on the part of the US planning. Since there were no local forces able to protect citizens, the US government decided to start the SSR as soon as possible despite the continuing attacks. The fact that the SSR started in the violent environment slowed down its progress.

The thesis identified two main areas of the involvement of PMCs in the SSR in Iraq. First, private military companies DynCorp, MPRI and Vinnell played a direct role in SSR by providing training to Iraqi police, border control guards and the Iraqi army. Second, private military contractors participated in the SSR indirectly. Employees of PMCs provided physical protection to actors of SSR who were threaten by the continuing attacks of insurgents and terrorists. Also, while the Iraqi Intelligence Service was being built up by CIA, private military contractors stood in for local services and provided intelligence for

the US army. Therefore, PMCs facilitated the process of the reform of the Iraqi Intelligence Services.

The thesis qualitatively analysed the contribution of PMCs to SSR. Two main benefits of the use of PMCs were defined. First, PMCs provided advisors for the SSR in Iraq on a short notice. While the US government debated the number of uniformed experts, DynCorp had already deployed 1 500 advisors to Iraq. Second, PMCs provided required experts for SSR who the US and other states were not able or willing to deploy. While uniformed personnel were needed in order to protect civilians and fight insurgents, PMCs provided training of Iraqi security forces. This finding confirmed the assumption made in the hypothesis, which claimed that the utilization of PMCs for the SSR in Iraq was necessary due to the shortage of the US military personnel.

The shortcoming stemming from the utilization of PMC services was the uncertainty over the quality of their performance. DynCorp once failed to finish the police training and Vinnell and SAIC did not manage the Iraqi army training. Performance of Vinnell and SAIC was criticized by recruits, as well as by military professionals. The thesis found out that the selection process undergone by the US government was done insufficiently and hastily. Therefore, the lesson learned was that the problem of the quality of PMCs could be prevented in the future by more properly vetting of PMCs before they are hired for SSR tasks.

Furthermore, it was not just a failure of the above-mentioned PMCs that they did not fulfil a contract. The training was decelerated also by factors that were caused by the decisions of the US government. First, newly trained recruits faced immense risks because of insurgency. Low salaries provided by the US did not motivate them to stay in their posts. As a result, half of the new recruits deserted, which slowed down the reform. Second, the scale of security sector reform required higher number of advisors that the US government had not allowed. There was a situation when one advisor and his 40 assistants were supposed to train 20 000 policemen. In contrast, the US soldiers were trained one-on-one. Third, the time for the training was too short considering the poor shape of Iraqi security forces. The CPA strived to hand over the authorities to the Iraqi Provisional Government as

soon as possible because the Iraqi population demanded the withdrawal of US forces. The reform was therefore speeded-up in expense of the quality of the training.

The second shortcoming of the use of PMCs in SSR in Iraq was the corrupted behaviour of some of the contractors. For example, DynCorp overcharged the US government for its services and it used vague invoices. SIGIR many times urged DOS to strengthen the oversight of invoices and performance of DynCorp; however, the DOS's control continued to fail. Besides the waste of US taxpayer funds, weak oversight impacted the quality of PMC services. DOS was not aware of the course of DynCorp performance and therefore did not supervise if all the tasks included in the contract were being fulfilled. What can be drawn from this in relation the US governments is that it should establish stronger oversight. Such measures could improve the quality of PMC services and ensure that all the responsibilities which the US government pays for are fulfilled.

The third shortcoming stemming from the use of PMCs was their potential misconduct. Contractors from Titan were involved in the torture in Abu Ghraib; however, none of them was prosecuted due to the weak legal accountability of PMCs. The criminal behaviour of some private military contractors caused a mistrust of local people in the work of PMCs. Since the SSR needs to be implemented in cooperation of external and local actors, the trust of Iraqi population in the work of those PMCs involved in SSR is important. Therefore, in order to improve the utilization of PMC services for SSR, legal accountability of private military contractors needs to be enhanced.

This thesis discussed whether the private military contractors contributed to the development of democratic oversight of the Iraqi security forces. Although some PMCs offer the training that leads to respect of democratic principles and human rights, there are no sources that prove that the training focusing on democratic control took place in Iraq and whether it had any effect. Interviews with Iraqi soldiers and policemen would need to be conducted in order to examine the impact of PMCs on the democratic oversight of Iraqi security forces. The recommendation for further research is therefore the influence of PMCs on the democratic oversight of the security forces in Iraq.

Summary

The diploma thesis analyses the role of US private military companies in the process of security sector reform in Iraq during period from 2003 until 2011. It further identifies the benefits and shortcomings of the use of PMCs for the security sector reform tasks. The thesis defines rapid deployment and provision of required experts as the assets of the utilization of PMC services. While the US uniformed personnel were necessary for a protection of civilians against insurgents and terrorists, PMCs were able to provide advisors for the training of Iraqi security forces on a short notice. Main shortcomings include an uncertainty of the quality of PMC performance, potential misconduct of private military contractors and frauds related to the invoices of PMCs. The US PMCs DynCorp and Vinnell failed to fulfil their contracts with the US government to train Iraqi security forces, which slowed down the course of the training and therefore overall SSR. Moreover, private military companies committed crimes such as torture in Abu Ghraib for which they were not punished. The reason for this was the weak legal accountability and regulation of PMCs hired by the US government for operations abroad. The arrogant behaviour of PMCs had a direct impact on increasing mistrust of local population and it had resulted into a strict limitation of foreign PMCs activities in Iraq imposed by Iraqi government. Also, the chaotic environment in Iraq allowed for corrupted behaviour on the side of PMCs, which used vague and overcharged invoices. All these shortcomings can be prevented in the future cases of utilization of PMCs for SSR. First, the US should improve the selection process of PMCs which it aims to hire. Second, stronger legal accountability would ensure the punishment of those who committed crime and consequently could limit the negative feelings of local people towards PMCs. Third, improved US government oversight of the contracts with PMCs could prevent the frauds and waste of US taxpayers' money.

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Appendices

Table 1 Stages of conflict and strategies of conflict resolution

Stage	Strategy
1. Pre-violence	Conflict prevention
2. Escalation	Crisis/Humanitarian intervention
3. Endurance	Peacemaking a relief work
4. De-escalation	Peacemaking and traditional peacekeeping
5. Post-violence	Peace-building/transformation

Source: Ryan (2000), p. 34.

Table 2 Pillars and Activities of Post-Conflict Reconstruction

Pillar	Activities
1. Security	Protection of civilians and relief workers, demobilization, disarmament, demining, security sector reform.
2. Justice and reconciliation	Establishment of interim justice system, revision of laws, human rights protection, establishment of international courts and tribunals, reparation measures, effective reconciliation mechanisms.
3. Social and economic well-being	Refugees repatriation, economic opportunities to support permanent populations, emergency food aid, drinking water delivery, distribute medical supplies, immediate employment, market reconstitution.
4. Governance and participation	Drafting and adoption of constitution, definition of political party system, transparency and anti-corruption laws.

Source: CSIS and AUSA (2002), pp. 4-20, adapted by the author.

Table 3 Typology of PMCs according to Peter W. Singer



Source: Compiled by the author of this thesis based on the typology of Peter W. Singer⁴¹⁶ and on the information provided by the companies AirScan, Aegis, Blackwater, DynCorp, Halliburton, Janusian Security, MPRI, SAIC and Sandline International on their websites.

⁴¹⁶ Singer (2006), p. 4.

Table 4 Typology of PMCs according to Kevin A. O'Brien



Source: Compiled by author of the thesis based on the typology of Kevin A. O'Brien⁴¹⁷ and on the information provided by the companies AirScan, Aegis, Blackwater, DynCorp, Halliburton, Janusian Security, MPRI, SAIC and Sandline International on their websites.

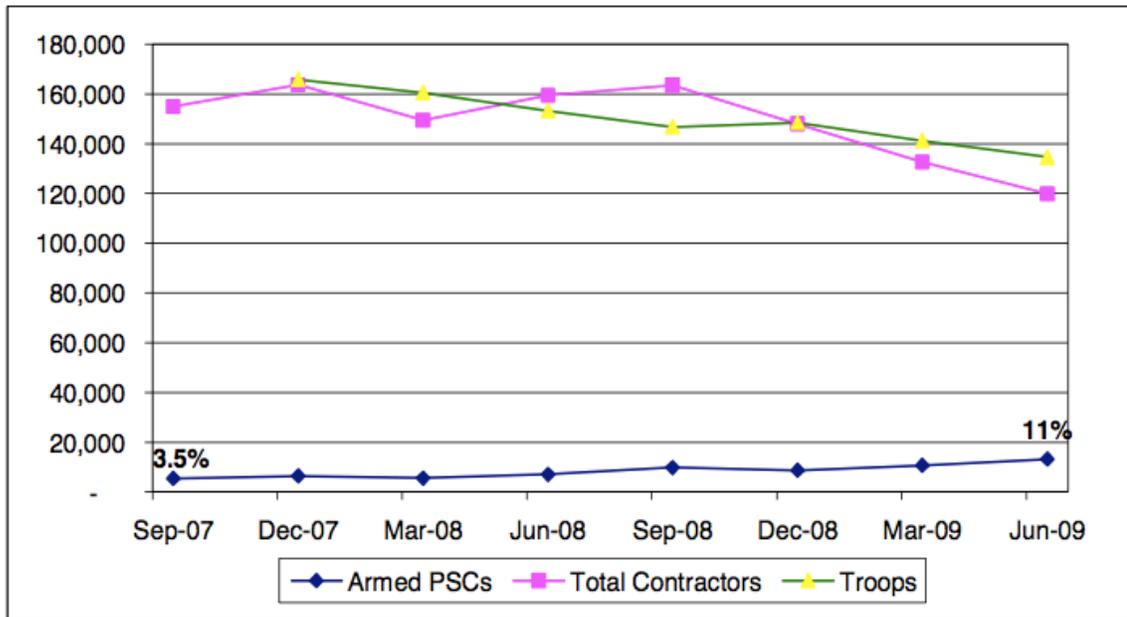
⁴¹⁷ O'Brien (2007), pp. 40-41.

Table 5 Civilian Participation in Conflict

War/Conflict	Civilians	Military	Ratio
American Revolution	1 500 (est.)	9 000	1:6 (est.)
Mexican/American Civil War	6 000 (est.)	33 000	1:6 (est.)
World War I	200 000 (est.)	1 Million	1:5 (est.)
World War II	85 000	2 Million	1:20 (est.)
Korean Conflict	734 000	5,4 Million	1:7 (est.)
Vietnam Conflict	156 000	393 000	1:2,5 (est.)
	70 000	359 000	1:6

Source: Isenberg (2009), p. 4.

Figure 1 Number of Armed Contractors, Total Contractors and Troop Levels in Iraq



Source: Schwartz (2009), p. 8.

Bibliography

Topical monographs

Ballard, Kyle M. (2007) *The Privatization of Military Affairs: A Historical Look into the Evolution of the Private Military Industry*. In: Jäger, Thomas and Kümmel, Gerhard (eds.) (2007) *Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects* (Wiesbaden: VS Verlag für Sozialwissenschaften), pp. 37-54

Bearpark, Andrew and Schulz, Sabrina (2007) *The future of the market*. In: Chesterman, Simone and Lehnardt, Chia (eds.) (2007) *From Mercenaries to Market: The Rise and Regulation of Private Military Companies* (New York: Oxford University Press), pp. 239-250

Bensahel, Nora, Oliker, Olga, and Peterson, Heather (2009) *Improving Capacity for Stabilization and Reconstruction Operations* (Santa Monica: RAND)

Briody, Dan (2004) *The Halliburton agenda: the politics of oil and money* (Hoboken: John Wiley & Sons, Inc.)

Brzoska, Michael and Heinemann-Grüder, Andreas (2004) *Security Sector Reform and Post-Conflict Reconstruction under International Auspices*. In: Bryden, Alan and Hänggi, Heiner (eds.) (2004) *Reform and Reconstruction of the Security Sector* (Geneva: Geneva Centre for the Democratic Control of Armed Forces [DCAF]), pp. 121-142

Bureš, Oldřich and Nedvědická Vendula (2011b) *Soukromé vojenské společnosti: Staronoví aktéři mezinárodní bezpečnosti [Private Military Companies: Old yet New Actors in International Security]* (Plzeň: Aleš Čeněk)

Chesterman, Simone and Lehnardt, Chia (eds.) (2007) *From Mercenaries to Market: The Rise and Regulation of Private Military Companies* (New York: Oxford University Press)

Cole, Beth (ed.) (2009) *Guiding Principles for Stabilization and Reconstruction* (Washington: USIP Press)

Cordesman, Anthony H. and Mausner, Adam (2009) *Withdrawal from Iraq: Assessing the Readiness of Iraqi Security Forces* (Washington D.C.: Center for Strategic & International Studies [CSIS])

Dobbins, James (et al.) (2009) *Occupying Iraq: A History of the Coalition Provisional Authority* (Santa Monica: RAND Corporation)

Drulák, Petr (ed.) (2008) *Jak zkoumat politiku? Kvalitativní metodologie v politologii a mezinárodních vztazích [How to Examine Politics? Qualitative Methodology in Political Science and International Relations]* (Praha: Portál)

Giustozzi, Antonio (2008) *Shadow Ownership and SSR in Afghanistan*. In: Donais, Timothy (ed.) (2008) *Local Ownership and Security Sector Reform* (Munich, Hamburg, London: LIT-Verlag for DCAF)

Hänggi, Heiner (2004) *Conceptualizing Security Sector Reform and Reconstruction*. In: Bryden, Alan and Hänggi, Heiner (eds.) (2004) *Reform and Reconstruction of the Security Sector* (Geneva: DCAF), pp. 3-20

Herman, Vlastimil (2008) *Obnova Iráku: Pohled vojáka z povolání*. In: *Teorie a praxe postkonfliktní rekonstrukce [Theory and Praxis of Postconflict Reconstruction]* (Plzeň: Aleš Čeněk), pp. 42-51

Hoffman, Bruce (2004) *Insurgency and Counterinsurgency in Iraq* (Santa Monica: RAND Corporation)

Isenberg, David (2009) *Shadow Force: Private Security Contractors in Iraq* (Westport, Connecticut, London: Greenwood Publishing Group)

Jones, Seth G. (et al.) (2005) *Establishing Law and Order After Conflict* (Santa Monica: RAND Corporation)

Kinsey, Christopher (2006) *Corporate Soldiers and International Security: The Rise of Private Military Companies* (London: Routledge)

Kinsey, Christopher (2007) Private Security Companies: Agents of Democracy or Simply Mercenaries? In: Jäger, Thomas and Kümmel, Gerhard (eds.) (2007) Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects. (Wiesbaden: VS Verlag für Sozialwissenschaften), pp. 87-104

Krahmann, Elke (2007) Transitional states in search of support: Private military companies and security sector reform. In: Chesterman, Simone and Lehnardt, Chia (2007) From Mercenaries to Market: The Rise and Regulation of Private Military Companies (New York: Oxford University Press), pp. 94-114

Kramer, Daniel (2007) Does the History Repeat Itself? A Comparative Analysis of Private Military Entities. In: Jäger, Thomas and Kümmel, Gerhard (eds.) (2007) Private Military Companies: Chances, Problems, Pitfalls and Prospects (Wiesbaden: VS Verlag für Sozialwissenschaften), pp. 23-36

Kumar, Krishna (1997) Rebuilding of Post-Conflict Societies After Civil War: Critical Roles for International Assistance (Boulder, London: Lynne Rienner Publishers)

Leander, Anna (2007) Regulating the role of private military companies in shaping security and politics. In: Chesterman, Simone and Lehnardt, Chia (eds.) (2007) From Mercenaries to Market: The Rise and Regulation of Private Military Companies (New York: Oxford University Press), pp. 49-66

Lehnardt, Chia (2007) Private military companies and state responsibility. In: Chesterman, Simone and Lehnardt, Chia (eds.) (2007) From Mercenaries to Market: The Rise and Regulation of Private Military Companies (New York: Oxford University Press), pp. 139-157

Lowther, Adam and Snow, Donald M. (2007) Americans and Asymmetric Conflict: Libanon, Somalia, and Afghanistan (Westport, London: Praeger)

Mancini, Francesco (2005) In Good Company? The role of business in security sector reform (London: Demos)

O'Brian, Kevin A. (2007) What should and what should not be regulated? In: Chesterman, Simone and Lehnardt, Chia (eds.) (2007) *From Mercenaries to Market: The Rise and Regulation of Private Military Companies* (New York: Oxford University Press), pp. 29-48

Percy, Sarah (2007a) Mercenaries and regulation. In: Chesterman, Simone and Lehnardt, Chia (eds.) (2007) *From Mercenaries to Market: The Rise and Regulation of Private Military Companies* (New York: Oxford University Press), pp. 11-28

Percy, Sarah (2007b) *Mercenaries: The History of a Norm in International Relations* (London: Oxford University)

Rathmell, Andrew (et al.) (2005a) *Developing Iraq's Security Sector* (Santa Monica: RAND Corporation)

Ryan, Stephen (2000) United Nations Peacekeeping: A Matter of Principles? In: Ramsbotham, Oliver And Woodhouse, Tom (eds.) (2000) *Peacekeeping and Conflict Resolution* (London, Portland: Franc Cass Publishers), pp. 27-47

Serwer, Daniel and Thomson, Patricia (2008) A Framework for Success: International Intervention in Societies Emerging from Conflict. In: Chester, Crocker A., Hampson, Fen Osler, and Aall, Pamela (eds.) (2008) *Leashing the Dogs of War: Conflict Management in a Divided World* (Washington: USIP Press), pp. 369-388

Singer, Peter W. (2008) *Corporate Warriors: The Rise of Privatized Military Industry* (Ithaca: Cornell University Press)

Störber, Jan (2007) Contracting in the Fog of War...Private Security Providers in Iraq: A Principal-Agent Analysis. In: Jäger, Thomas and Kümmel, Gerhard (eds.) (2007) *Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects* (Wiesbaden: VS Verlag für Sozialwissenschaften), pp. 121-134

Waisová, Šárka (2008) *Poválečná obnova a budování míru. Role a strategie mezinárodních nevládních organizací [Post-Conflict Reconstruction and Peacebuilding. The Role and Strategies of International Non-Governmental Organizations]* (Brno: Mezinárodní politologický ústav)

Waisová, Šárka (2011) Řešení konfliktů v mezinárodních vztazích [Conflict Resolution in International Relations] (Plzeň: Aleš Čeněk)

Zavičáková, Lucie (2008) Činnost Komise pro budování míru: teorie a praxe [The Work of the Peacebuilding Commission: Theory and Practice] In: Bureš, Oldřich (ed.) (2008) Teorie a praxe postkonfliktní rekonstrukce [Theory and Practice of Postconflict Reconstruction] (Plzeň: Aleš Čeněk), pp. 88-103

Scientific articles

Adams, Thomas (1999) The New Mercenaries and the Privatization of Conflict. *Parameters*. 29(2): 103-116

Avant, Deborah (2007) Contracting for Services in U.S. Military Operations. *Political Science and Politics*. 40(3): 457-460

Brayton, Steven (2002) Outsourcing War: Mercenaries and the Privatization of Peacekeeping. *Journal of International Affairs*. 55(2): 303-39

Bureš, Oldřich and Nedvědická, Vendula (2011a) Komparace využití soukromých vojenských společností administrativami George W. Bushe a Baracka Obamy [Comparison of the Use of Private Military Companies by the Administrations of George W. Bush and Barack Obama]. *Obrana a Strategie*. 11(2): 111-134

Cleaver, Gerry (2000) Subcontracting military power: The privatization of security in contemporary Sub-Saharan Africa. *Crime, Law & Social Change*. 33(1-2): 131-149

Diamond, Larry (2005) Building Democracy After Conflict. Lessons from Iraq. *Journal of Democracy*. 16(1): 9-23

Doyle, Michael W. and Sambanis, Nicholas (2000) International Peacekeeping: A Theoretical and Quantitative Analysis. *American Political Science Review*. 94(4): 779-801

- Feil, Scott (2002) Building Better Foundations: Security in Postconflict Reconstruction. *The Washington Quarterly*. 25(4): 97-109
- Hammes, Thomas X. (2011) Private Contractors in Conflict Zones. The Good, the Bad and the Strategic Impact. *Joint Force Quarterly*. 60, 1st quarter 2011, pp. 26-37
- Hamre, John J. and Sullivan Gordon R. (2002) Towards Post-conflict Reconstruction. *The Washington Quarterly*. 24(3): 85-96
- Hellinger, Daniel (2004) Humanitarian Action, NGOs and the Privatization of the Military. *Refugee Survey Quarterly*. 23(4): 192-220
- Hynes, Patricia H. (2010) Afghanistan and the Marketplace of Violence. *Fellowship*. 76, Spring, pp. 34-35.
- Kassebaum, David (2000) A Question of facts – the Legal Use of Private Security Firms in Bosnia. *Columbia Journal of Transnational Law*. 38(3): 581-602
- Kidane, Won (2010) The Status of Private Military Contractors under International Humanitarian Law. *Denver Journal of International Law and Policy*. 38, pp. 161-202
- Miska, Steven M. (2005) Growing the Iraqi Security Forces. *Military Review*. July-August, pp. 64-69
- Nevers, Renée De (2009) Private Security Companies and the Laws of War. *Security Dialogue*. 40(2): 169-190
- Nossal, Kim Richard (1998) Roland goes corporate: Mercenaries and transnational security corporations in the post-war era. *Civil Wars*. 1(1): 16-35
- Perry, David (2009) The privatization of the Canadian military: Afghanistan and beyond. *International Journal*. 64(3): 687-702
- Rathmell, Andrew (2005b) Reforming Iraq's Security Sector Reform. Our Exit Strategy from Iraq? *RUSI Journal*, 150(1): 8-11

Silverstein, Ken (1997) Privatizing War: How Affairs of State Are Outsourced to Corporations Beyond Public Control. *The Nation*. July 28, <http://www.mtholyoke.edu/acad/intrel/silver.htm>

Singer (2001) Corporate Warriors. *International Security*. 26(3): 186-220

Singer, Peter W. (2003) Peacekeepers, Inc. *Policy Review*. 119: 59-70

Smith, Eugene (2002-03) The New Condottieri and US Policy: The Privatization of Conflict and Its Implications. *Parameters*, Winter, pp. 104-119

Snyder, David L. (2009) Civilian Military Contractors on Trial: The Case for Upholding the Amended Exceptional Jurisdiction Clause of the Uniform Code of Military Justice. *Texas International Law Journal*. 44(65): 65-97

Stanger, Allison and Williams, Mark. E. (2006) Private Military Corporations: Benefits and Costs of Outsourcing Security. *Yale Journal of International Affairs*. 2(1): 4-19

Wither, James K. (2005) European Security and Private Military Companies: The Prospect for Privatized „Battlegroups“. *The Quarterly Journal*. 4(2): 107-126

Internet and other sources

Andrews, Edmund L. (2007) Bremer told Bush of plan to dissolve “Iraqi military and intelligence structures”. *The New York Times*, http://www.nytimes.com/2007/09/04/world/americas/04iht-bremer.1.7372961.html?_r=1 (13.3.2012)

Articles of War. An Act of Establishing Rules and Articles for the Government of the Armies of the United States, <http://suvvw.org/education/documents/articles.htm> (17.2.2012)

BBC (2011) Last US troop withdraw from Iraq, <http://www.bbc.co.uk/news/world-middle-east-16234723> (15.3.2012)

BBC (2012) Afghanistan ban on security firms comes into place, <http://www.bbc.co.uk/news/world-asia-17456025> (15.4.2012)

Benson, Matthew (2007) Border agents recruited for Iraq, *The Arizona Republic*, <http://www.azcentral.com/arizonarepublic/local/articles/0519borderpatrol0519.html> (8.4.2012)

Beutel, M. Dee (2006) Power Reconsidered: The Effects of Private Military Companies and the Need for Regulation Through International Collaboration. Conference Papers - American Political Science Association, Annual Meeting

Bremer, Paul (2003) Letter from Paul Bremer to George W. Bush. *The New York Times*, <http://www.nytimes.com/ref/washington/04bremer-text1.html?ref=washington> (21.4.2012)

Brinkerhoff, John R. (1997) External Support for the Army in the Persian Gulf War. IDA Document D-2019, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA339879> (18.1.2012)

Calbreath, Dean (2004) Iraqi army, police force fall short on training. *Sign on San Diego.com*, http://www.signonsandiego.com/uniontrib/20040704/news_mz1b4iraqi.html (15.4.2012)

Congressional Budget Office (CBO) (2005) Logistic Support for Deployed Military Forces, <http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/67xx/doc6794/10-20-militarylogisticssupport.pdf> (26.2.2012)

Congressional Budget Office (CBO) (2008) Contractors' Support of US Operations in Iraq. Pub. No. 3053, <http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/96xx/doc9688/08-12-iraqcontractors.pdf> (26.2.2012)

Chatterjee, Pratap (2002) The War on Terrorism's Gravy Train. CorpWatch, <http://www.corpwatch.org/article.php?id=2471> (26.2.2012)

Chatterjee, Pratap (2008) Outsourcing Intelligence in Iraq: A CorpWatch Report on L-3/Titan. Updated December 2008 with the Recommendations from Amnesty International, CorpWatch, http://s3.amazonaws.com/corpwatch.org/downloads/Outsourcing%20Intelligence_Updated%20Dec%202008%20WEB.pdf (27.2.2012)

Chatterjee, Pratap and Thompson, A. C. (2004) Private Contractors and Torture at Abu Ghraib, Iraq. CorpWatch, <http://www.corpwatch.org/article.php?id=10828> (6.3.2012)

Coalition Provisional Authority Order Number 2: Dissolution of Entities, <http://www.casi.org.uk/info/cpa/030523-CPA-Order2.pdf> (19.2.2012)

Cole, August (2010) DynCorp's Iraq Contracts With US Are Scrutinized. *The Wall Street Journal*, <http://online.wsj.com/article/SB10001424052748703415804575023293904363732.html> (3.4.2012)

Collier, Paul (et al.) (2003) Breaking the Conflict Trap. Civil War and Development Policy. A World Bank Policy Research Report, <http://homepage.mac.com/stazon/apartheid/files/BreakingConflict.pdf> (15.1.2012)

Cordesman, Anthony H. (2007) Iraq's Insurgency and Civil Violence: Developments through Late August 2007. Center for Strategic and International Studies (CSIS), http://csis.org/files/media/csis/pubs/070822_cordesman_iraq_report.pdf (19.2.2012)

CSC (2003) CSC'S DynCorp International awarded \$50 million contract to support Iraqi law enforcement functions in Iraq. http://www.csc.com/newsroom/press_releases/2649-csc_s_dyncorp_international_awarded_50_million_contract_to_support_law_enforcement_functions_in_iraq (27.1.2012)

Center for Strategic and International Studies (CSIS) and Association of the United States Army (AUSA) (2002) Post-Conflict Reconstruction Task Framework, <http://csis.org/images/stories/pcr/framework.pdf> (7.4.2012)

Dawi, Akmal (2007) Security firms challenge state authority. *E-Ariana*, <http://www.e-ariana.com/ariana/eariana.nsf/allArticles/AEB3A481D9C55612872572BB0054A1C7?OpenDocument> (15.1.2012)

Defense News (2011) SIGIR: Iraq Forces Need Assistance Until 2020, <http://www.defensenews.com/article/20111030/DEFSECT04/110300301/SIGIR-Iraq-Forces-Need-Assistance-Until-2020-> (16.3.2012)

Democracy Now (2004) Blackwater USA: Building the „Largest Private Army in the World“, http://www.democracynow.org/2004/4/1/blackwater_usa_building_the_largest_private (22.1.2012)

Duffy, Michael (2008) The Surge at Year One. *Time Magazine*, <http://www.time.com/time/magazine/article/0,9171,1708843,00.html> (23.4.2012)

Dunlop, W. G. (2012) Mistrust begets sanction: Iraq wants to limit private security contractors. *Middle East Online*, <http://www.middle-east-online.com/english/?id=50518> (27.4.2012)

DynCorp International (2008) DynCorp International Continues Police Training in Iraq. <http://ir.dyn-intl.com/releasedetail.cfm?ReleaseID=317787> (6.2.2012)

DynCorp International, Development. <http://www.dyn-intl.com/what-we-do/development.aspx> (17.4.2012)

DynCorp International, Training and Mentoring. <http://www.dyn-intl.com/news-events/events/di-at-idex-2011/training-mentoring.aspx> (5.1.2012)

Elsa, Jennifer, Schwartz, Moshe and Nakamura, Kennon H. (2008) Private Security Contractors in Iraq: Background, Legal Status, and Other Issues. Congressional Research Service (CRS) Report for Congress, <http://www.au.af.mil/au/awc/awcgate/crs/rl32419.pdf> (8.3.2012)

Fallows, James (2005) Why Iraq Has No Army. *The Atlantic*, <http://www.theatlantic.com/magazine/archive/2005/12/why-iraq-has-no-army/4428/> (27.1.2012)

Fenner, Lorry M. (ed.) (2006) Stand Up and Be Counted: The Continuing Challenge of Iraqi Security Forces. US House of Representatives, Committee on Armed Forces, Subcommittee on Oversight & Investigations, http://democrats.armedservices.house.gov/index.cfm/files/serve?File_id=2bfb0934-1745-4c80-8e21-205915e97cfb (21.1.2012)

Glanz, James (2010) New Fraud Cases Point to Lapses in Iraq Projects. *The New York Times*, http://www.nytimes.com/2010/03/14/world/middleeast/14reconstruct.html?_r=1 (2.2.2012)

Global Security, Iraqi Military Reconstruction, <http://www.globalsecurity.org/military/world/iraq/iraq-corps.htm> (6.3.2012)

Global Security, War and Ethnic Cleansing in Yugoslavia, <http://www.globalsecurity.org/military/world/war/yugo-hist4.htm> (14.4.2012)

Henderson, Anne Ellen (2005) The Coalition Provisional Authority's Experience with Economic Reconstruction in Iraq: Lessons Identified. USIP, Special Report 138, <http://www.usip.org/files/resources/sr138.pdf> (25.2.2012)

Hendrickson, Dylan (1999) A Review of Security-Sector Reform. The Conflict, Security & Development Group Working Paper No. 1, <http://www.securityanddevelopment.org/pdf/work1.pdf> (9.4.2012)

Higgs, Robert (1995) World War II and the Military-Industrial-Congressional Complex. *Freedom Daily*, <http://www.fff.org/freedom/0595d.asp> (15.2.2012)

Horton, Scott (2007) Providing Accountability for Private Military Contractors: Testimony before the House Judiciary Committee. *Harper's Magazine*, June 19, <http://www.harpers.org/archive/2007/06/hbc-90000309> (7.3.2012)

International Convention Against the Recruitment, Use, Financing and Training of Mercenaries. UN Treaty Collection, http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-6&chapter=18&lang=en (9.4.2012)

Introduction to the Convention on the Rights of the Child: Definition of Key Terms. UNICEF. <http://www.unicef.org/crc/files/Definitions.pdf> (15.2.2012)

- Isenberg, David (1997) *Soldiers of Fortune Ltd.: A Profile of Today's Private Sector Corporate Mercenary Firms*. Center for Defense Information Monograph, <http://www.aloha.net/~stroble/mercs.html> (4.3.2012)
- Isenberg, David (2004) *A Fistful of Contractors: The Case for a Pragmatic Assessment Private Military Companies in Iraq*. British American Security Information Council. Research Report 2004.4, http://www.ssrnetwork.net/uploaded_files/3463.pdf (11.2.2012)
- Isenberg, David (2006) *A Government in Search of Cover: PMCs in Iraq*. British American Security Information Council. Paper prepared for "Market Forces: Regulating Private Military Companies," 23-24th March 2006 conference, Institute for International Law and Justice, New York University School of Law, <http://www.mafhoum.com/press9/279P2.pdf> (25.3.2012)
- Isenberg, David (2008) *The Top 10 PSCs in Iraq*. CATO Institute, http://www.cato.org/pub_display.php?pub_id=9789 (28.4.2012)
- Isenberg, David (2010) *There They Go Again: DynCorp in Iraq*. *The Huffington Post*, http://www.huffingtonpost.com/david-isenberg/there-they-go-again-dynco_b_434688.html (10.4.2012)
- Katzman, Kenneth (2008) *Al-Qaeda in Iraq: Assessment and Outside Links*. CRS Report for Congress, <http://www.fas.org/sgp/crs/terror/RL32217.pdf> (20.2.2012)
- Khalil, Peter (2006) *Rebuilding and Reforming the Iraqi Security Sector: US Policy during Demoratic Transition*. The Saban Center for Middle East Policy at the Brookings Institution, Analysis paper no.9
- KBR (2010) *KBR to Continue LOGCAP III Work Supporting Army as LOGCAP IV Solicitation is Cancelled*, Press Release, <http://www.kbr.com/Newsroom/Press-Releases/2010/05/06/KBR-to-Continue-LOGCAP-III-Work-Supporting-Army-as-LOGCAP-IV-Solicitation-is-Cancelled/> (20.2.2012)
- KBR, History, <http://www.kbr.com/About/History/> (3.2.2012)

Kidwell, D. (2005) *Public War, Private Fight? The United States and Private Military Companies*. Global War on Terrorism. Combat Studies Institute Press, Occasional paper 12, Kansas, p. 15, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA446127> (25.4.2012)

Lamar, Janis (2003) Northrop Grumman Awarded \$48 Million Contract to Train New Iraqi Army. *GlobeNewswire*, <http://www.globenewswire.com/newsroom/news.html?d=42207> (4.2.2012)

Laporte-Oshiro, Alison (2012) *Policing Iraq*. United States Institute of Peace (USIP), <http://www.usip.org/publications/policing-iraq> (17.4.2012)

Lilly, Damian (2000) *The Privatization of Peacekeeping: Prospects and Realities*. Disarmament Forum, United Nations Institute for Disarmament, No. 3, p. 57, <http://undir.org/pdf/articles/pdf-art135.pdf> (10.2.2012)

Livingstone, Ian and O'Horton, Michael (2012) *Afghanistan Index: Also including selected data on Pakistan*. Brookings, <http://www.brookings.edu/~media/Files/Programs/FP/afghanistan%20index/index.pdf>

Logistics Civil Augmentation Program (LOGCAP). Army Regulation 700-137, 16 December 1985, http://www.apd.army.mil/jw2/xmldemo/r700_137/main.asp (18.1.2012)

Londoño, Ernesto (2010) Iraq's Sunni insurgent groups gather to plot comeback amid political crisis. *Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/31/AR2010053103116.html> (16.3.2012)

Makinson, Larry (2004) *Outsourcing the Pentagon: Who benefits from the Policy and Economics of National Security?* The Centre for Public Integrity, <http://www.mindfully.org/Reform/2004/Pentagon-Outsourcing-CPI29sep04.htm> (4.4.2012)

Masters, Jonathan (2012) *Al-Qaeda in Iraq*. Council on Foreign Relations, <http://www.cfr.org/iraq/al-qaeda-iraq/p14811> (21.2.2012)

Measuring Stability and Security in Iraq. Report to Congress, November 2006, p. 39, <http://www.defense.gov/pubs/pdfs/9010Quarterly-Report-20061216.pdf> (23.1.2012)

Miller, Christian (2004) Military Suspends Firm Accused of Overbilling in Iraq. *Los Angeles Times*, <http://articles.latimes.com/2004/oct/09/world/fg-custer9> (9.4.2012)

Moss, Michael and Rohde, David (2006) Misjudgments Marred US Plans for Iraqi Police. *The New York Times*,
http://www.nytimes.com/2006/05/21/world/middleeast/21security.html?_r=1&pagewanted=print (25.2.2012)

MPRI, What We Do,
http://www.mpri.com/web/index.php/content/what_we_do/what_we_do/ (8.4.2012)

OECD (2007) OECD Development Assistance Committee (DAC) Handbook on Security System Reform. Supporting Security and Justice,
<http://www.oecd.org/dataoecd/43/25/38406485.pdf> (16.2.2012)

Patterson, Anne W. (2007) Contracting for the Iraqi Security Forces. Testimony before the House Committee on Armed Services,
http://www.globalsecurity.org/military/library/congress/2007_hr/070425-patterson.pdf (2.2.2012)

Perito, Robert (2008) Iraq's Interior Ministry: Frustrating Reform. United States Institute of Peace (USIP), <http://www.usip.org/publications/iraq-s-interior-ministry-frustrating-reform> (11.4.2012)

Perito, Robert and Kristoff, Madeline (2009a) Iraq's Interior Ministry: the Key to Police Reform. USIP Peace Briefing,
http://www.usip.org/files/iraq_interior_ministry_perito_kristoff.pdf (25.3.2012)

Perito, Robert (2009b) The Private Sector in Security Sector Reform: Essential But Not Yet Optimized. USIP Peace Briefing, http://www.usip.org/files/resources/USIP_0109.PDF (25.3.2012)

Peterson, Laura (2002) Privatising combat, the new world order. *iWatch News*,
<http://www.iwatchnews.org/2002/10/28/5678/privatizing-combat-new-world-order> (16.4.2012)

Pfaff, Tony (2008) Development and Reform of the Iraqi Police Forces. Strategic Studies Institute, <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub840.pdf> (28.2.2012)

Pincus, Walter (2008) US Seeks Contractors to Train Iraqi Military. *The Washington Post*, <http://www.washingtonpost.com/wp-dyn/content/article/2008/05/03/AR2008050301678.html> (17.4.2012)

Priest, Dana (2004) Private Guards Repel Attack on US Headquarters. *The Washington Post*, http://www.sandline.com/hotlinks/Wash_Post-Private_guards.html (3.2.2012)

Protocol Additional to the Geneva Conventions of 12 August 1949. International Humanitarian Law – Treaties and Documents, <http://www.icrc.org/ihl.nsf/WebART/470-750057> (14.3.2012)

Rathmell, Andrew (2007) Fixing Iraq's Internal Security Forces: Why is Reform of the Ministry of Interior so Hard? Center for Strategic & International Studies (CSIS), PCR Project Special Briefing

Record, Jeffrey and Terrill, Andrew W. (2004) Iraq and Vietnam: Differences, Similarities, and Insights. Strategic Studies Institute, US Army War College, <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub377.pdf> (7.4.2012)

Reuters (2009) DynCorp International Awarded New LOGCAP IV Task Order for Southern Afghanistan Support, <http://www.reuters.com/article/2009/07/08/idUS191919+08-Jul-2009+BW20090708> (18.3.2012)

Rosenfeld, Steven (2004) Iraq: Vinnell's Army on the Defensive. CorpWatch, <http://corpwatch.org/article.php?id=7842> (27.1.2012)

Rubin, Alissa J. and Kramer, Andrew E. (2007) Iraqi Premier Says Blackwater Shootings Challenge His Nation's Sovereignty. *The New York Times*, <http://www.nytimes.com/2007/09/24/world/middleeast/24iraq.html> (4.3.2012)

Sandline International, <http://www.sandline.com/site/> (11.3.2012)

Schmidt, Michael S. and Schmitt, Eric (2012) Flexing Muscle, Baghdad Detains US Contractors. *The New York Times*,
http://www.nytimes.com/2012/01/16/world/middleeast/asserting-its-sovereignty-iraq-detains-american-contractors.html?_r=1&pagewanted=all (27.4.2012)

Schreier, Fred and Caparini, Marina (2005) *Privatising Security: Law, Practice and Governance of Private Military and Security Companies*. Geneva Centre for the Democratic Control of Armed Forces (DCAF), Occasional Paper No. 6

Schwartz, Moshe (2009) *The Department's Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Option for Congress*. Congressional Research Service (CRS) Report for Congress,
<http://fpc.state.gov/documents/organization/130803.pdf> (2.2.2012)

Schwartz, Moshe and Swain, Joyprada (2011) *Department of Defense Contractors in Afghanistan and Iraq: Background and Analysis*. CRS Report for Congress,
<http://www.fas.org/sgp/crs/natsec/R40764.pdf> (2.2.2012)

Shanker, Thom (2003) *The Struggle for Iraq: Reconstruction; US is Speeding up Plan for Creating New Iraqi Army*. *The New York Times*,
<http://www.nytimes.com/2003/09/18/world/struggle-for-iraq-reconstruction-us-speeding-up-plan-for-creating-new-iraqi-army.html?pagewanted=all&src=pm> (15.4.2012)

Singer, Peter W. (2004a) *The Private Military Industry and Iraq: What have we learned and where to next?* Geneva Centre for the Democratic Control of Armed Forces (DCAF), Policy paper

Singer, Peter W. (2006) *Humanitarian Principles, Private Military Agents: Implication of the Privatized Military Industry for the Humanitarian Community*. Brookings Institution,
http://www.brookings.edu/~media/Files/rc/articles/2006/02defenseindustry_singer/singer20060307.pdf (6.3.2012)

Special Inspector General for Iraqi Reconstruction (SIGIR) (2010) *Long-Standing Weaknesses in Department of State's Oversight of DynCorp Contract for Support of the*

Iraqi Police Training Program. Report 10-008, <http://www.sigir.mil/files/audits/10-008.pdf> (10.4.2012)

Special Inspector General for Iraqi Reconstruction (SIGIR) (2011) Quarterly Report and Semiannual Report to the United States Congress, January, http://www.sigir.mil/files/quarterlyreports/January2011/Report_-_January_2011.pdf#view=fit (10.4.2012)

Stockman, Farah (2008) Top Iraq contractor skirts US taxes offshore. *The Boston Globe*, http://www.boston.com/news/world/articles/2008/03/06/top_iraq_contractor_skirts_us_taxes_offshore/?page=full (17.2.2012)

Šulc, František (2010) Počítání kontraktorů. On War, On Peace, <http://www.onwar.eu/2010/07/27/pocitani-kontraktoru/> (20.1.2012)

The New York Times (2008) US opens way for trial of 6 Blackwater guards, http://www.nytimes.com/2008/08/17/world/americas/17iht-black.4.15366940.html?_r=1 (1.4.2012)

The Telegraph (2010) Afghanistan ban on security firms delayed by two months, <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/8090771/Afghanistan-ban-on-security-firms-delayed-by-two-months.html> (12.1.2012)

The US Army (2010) LOGCAP III Task Order continues support in Iraq. The official homepage of the United States Army, <http://www.army.mil/article/38607/logcap-iii-task-order-continues-support-in-iraq/> (16.3.2012)

The US General Accounting Office (1994) Peace Operations: Withdrawal of US Troops from Somalia. Report to Congressional Requesters, GAO/NSLAD-94-175, <http://gao.justia.com/departments-of-defense/1994/6/peace-operations-nsiad-94-175/NSIAD-94-175-full-report.pdf> (19.3.2012)

The Washington Times (2006) Iraq tackles police reform, <http://www.washingtontimes.com/news/2006/jan/10/20060110-103848-6388r/?page=all> (27.2.2012)

The White House (1994) Presidential Decision Directive/NSC-25,
<http://www.fas.org/irp/offdocs/pdd/pdd-25.pdf> (9.1.2012)

The World Bank (1998) Post-conflict Reconstruction. The Role of the World Bank,
<http://documents.worldbank.org/curated/en/1998/04/693637/post-conflict-reconstruction-role-world-bank> (19.2.2012)

Tilson, John C. (1997) The Role of External Support in Total Force Planning. Institute for Defense Analyses (IDA) Paper P-3344, <http://www.dtic.mil/dtic/tr/fulltext/u2/a339732.pdf> (17.1.2012)

Ukman, Jason (2011) Ex-Blackwater firm gets a name change, again. *The Washington Post*,
http://www.washingtonpost.com/blogs/checkpoint-washington/post/ex-blackwater-firm-gets-a-name-change-again/2011/12/12/gIQAXf4YpO_blog.html (25.4.2012)

UN Department of Economic and Social Affairs (DESA) (2007) Governance Strategies for Post-Conflict Reconstruction, Sustainable Peace and Development. UN DESA Discussion Paper – GPAB/REGOPA Cluster,
<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan028332.pdf> (8.3.2012)

UN General Assembly (1989) International Convention against the Recruitment, Use, Financing and Training of Mercenaries. A/RES/44/34,
<http://www.un.org/documents/ga/res/44/a44r034.htm> (30.3.2012)

US Department of Defence (2005) Report to Congress on Contractors Supporting US Forces and Reconstruction in Iraq. Public Law 108-375, Section 1206 Report,
<http://www.fas.org/irp/agency/dod/1206report.pdf> (16.2.2012)

US Government (2009) US Government Counterinsurgency Guide. Bureau of Political-Military Affairs, <http://www.state.gov/documents/organization/119629.pdf> (11.4.2012)

Vardi, Nathan (2009) DynCorp Takes Afghanistan. *Forbes*,
<http://www.forbes.com/2009/07/30/dyncorp-kbr-afghanistan-business-logistics-dyncorp.html> (8.1.2012)

Washburn, David (2005) Titan Gets Extension in Interpreters Contract. *San Diego Union Tribune*, http://www.signonsandiego.com/uniontrib/20050720/news_1b20titan.html (5.4.2012)

US Government (2009) US Government Counterinsurgency Guide. Bureau of Political-Military Affairs, <http://www.state.gov/documents/organization/119629.pdf> (11.4.2012)

Vardi, Nathan (2009) DynCorp Takes Afghanistan. *Forbes*, <http://www.forbes.com/2009/07/30/dyncorp-kbr-afghanistan-business-logistics-dyncorp.html> (8.1.2012)

Washburn, David (2005) Titan Gets Extension in Interpreters Contract. *San Diego Union Tribune*. http://www.signonsandiego.com/uniontrib/20050720/news_1b20titan.html (5.4.2012)

CHARLES UNIVERSITY IN PRAGUE
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DEPARTMENT OF INTERNATIONAL RELATIONS

Diploma Thesis Project

**Private Military Companies and Security Sector Reform in Post-Conflict
Countries: A Case Study of Iraq**

Thesis Supervisor: Doc. Mgr. Oldřich Bureš M.A., Ph.D

JANA SLADKÁ
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1 Introductory part

Definition of the topic

The reliance of the U.S. on private military companies (PMCs) has highly increased since 1990 and the number of PMCs grew rapidly after the terrorist attacks in September 2001. In 2003, there were plans to intensify the use of private forces; one out of ten personnel deployed to Iraq was the employee of private military or security company. PMCs have been used for a wide range of tasks including the security sector reform in Iraq and other post-conflict countries. However, several dilemmas about the use of PMCs in this area have appeared. Among such dilemmas belong the lack of democratic and legal accountability, weak transparency and lack of the information about the performance of PMCs. The diploma thesis will discuss the limitations as well as benefits of the use of PMCs for the security-sector reform with the focus on Iraq.

Grounds for the selection of the topic

PMCs have become the challenge to the state's monopoly over the legitimate use of force and they play multitask role during the conflicts as well as post-conflict reconstruction. Regardless of the critique and questions over the morality of their incidence, the amount of PMCs in the armed conflicts and post-conflict reconstruction has been increasing. Apart from other tasks, PMCs have been involved in the security-sector reform in Iraq, which raises several questions. Effective reform of security sector is one of the important preconditions for the country in transition such as Iraq to become stable, safe and democratic and therefore, it deserves a high attention. The use of military and security services provided by the private forces has had an increasing tendency and therefore, analysis of their incidence in the area of security sector reform is important especially for their future involvement in the post-conflict reconstruction. I have chosen the case study of Iraq because of the massive use of PMC services during Iraq war as well as in the post-conflict reconstruction.

The aims of the paper: The objective of this paper is to examine the involvement of PMCs in the security-sector reform in Iraq. Second, I will analyse the limitations and benefits of the use of PMCs in the security-sector reform.

Research question: What are the key shortcomings and benefits stemming from the use of PMCs services by the U.S. government for the security-sector reform in Iraq?

Method of the thesis: The topic will be analysed as the unique case study because it is examined for its specific aspects. The aim of the thesis is not to test the theory but to deeply explore the use of the PMCs by US in the area of security sector reform in Iraq in order to reveal the benefits and shortcomings and provide the recommendation for the improvement. The case of Iraq is specific for the large number of contractors involved and wide range of military and security tasks they perform. Moreover, through the deep analysis of Iraq experience the thesis will contribute to more general knowledge about the steps, which should be done in order to achieve the security sector reform leading to democratic and stable state. The analysis of the use of PMCs in different areas of security sector reform and the recommendations for improvement will eliminate the descriptive nature of the thesis. Many problems in the Iraq appeared that could be used as the lessons learned for the future cases of the use of PMCs services.

Anticipated hypothesis: The assistance of private military companies contributed to the development of the security sector reform in Iraq and therefore, the benefits of their assistance prevail.

2 Outline of the thesis

Introduction

1. Definitions and typology: In the beginning, I will point out the typologies of private force in international system. There are three main types: mercenaries, combat PMCs and security or non-combat PMCs. Secondly, I will outline various definitions of PMCs used by different authors. Finally, I will provide the overview of the main dilemmas of the use of PMCs when used for security reform.

- Dilemmas of the use of PMCs:
 - a. Moral objections: fighting for money without attachment to the conflict;
 - b. Use of lethal force and weak accountability. Regulation is missing in areas of extraterritorial jurisdiction of states;
 - c. Impact on the strategic balance of the conflict;
 - d. International law regulates the use of force of states but not of PMCs;
 - e. International law defines the mercenary, however obstacles to define the private contractors as mercenaries exist;
 - f. Quality control issue.

2. Security sector reform: The second chapter will discuss various areas of security sector reform, which includes reform of army, police and paramilitary forces. Furthermore, the reform comprises of military, political and societal forces that control the means of violence. I will examine the forms of security sector reform on national and international level. In the second part of the chapter I will explore the advantages and limitations of PMCs assistance in security sector reforms.

3. Historical overview: In the second chapter, I will explore the use of private military contractors in the USA in the past. The use of mercenaries is mentioned already in the War for Independence in the years 1776-1783. I will, however, focus mainly on the development after the Cold War and the case of Iraq.

4. The case study: The role of the US PMCs in Iraq with the focus on the security sector reform since 2003.

The security sector reform in Iraq has from a large part been handled by PMCs. In 2004, contracts for \$50 million and \$48 million were signed with DynCorp International and Vinell and moreover, US Congress approved \$18,4 billion for security sector reform. Fourth chapter will focus on the performance of PMCs in Iraq in the area of security sector reform. I will discuss the limitation of their involvement such as the lack of legal accountability since the contractors providing the police training are not subject to the Military Extraterritorial Jurisdiction Act. Furthermore, I will examine also the potential benefits such as flexibility, high level of experience and ability to deploy in the short notice.

Conclusion

3 Abstrakt

Práce se bude zabývat využitím privátních vojenských firem v USA při reformě sektoru bezpečnostních složek se zaměřením na válku v Iráku. Jedná se o jedinečnou případovou studii, jež má za cíl zkoumat využití těchto firem USA, odhalit limity a pozitiva asistence PMCs a na základě zkušeností z války v Iráku poskytnout doporučení pro takovou reformu bezpečnostního sektoru, která by přispěla ke stabilizaci post-konfliktních zemí. Vzhledem k tomu, že využívání soukromých vojenských firem pro vojenské a bezpečnostní účely roste, je analýza jejich činnosti v oblasti bezpečnostního sektoru důležitá pro budoucí zapojení privátních sil do post-konfliktní rekonstrukce. Poučení z irácké zkušenosti by mohlo vést k efektivnějšímu využívání privátních vojenských firem obecně. V první kapitole uvedu definice a typologie privátních vojenských firem a dilemata, jež vzešla z jejich angažovanosti ve válce v Iráku. Uvedení problémů pomůže pochopit mimo jiné potřebu silnější regulace těchto firem. Ve druhé kapitole se budu zabývat reformou bezpečnostního sektoru obecně a zároveň uvedu limity a pozitiva využití PMCs pro oblast reformy. Ve třetí kapitole se budu věnovat historickému vývoji využívání soukromých sil v USA se zaměřením na období po studené válce a s akcentem na Irák. Ve čtvrté kapitole budu zkoumat využití soukromých vojenských firem USA pro reformu bezpečnostního sektoru v Iráku od roku 2003.

3 Bibliography

General

Bellamy, Alex J., Paul Williams, and Stuart Griffin (2003) *Understanding Peacekeeping* (Cambridge - UK: Polity Press)

Topical monographs

Chesterman, Simone and Lehnardt, Chia (2007) *From Mercenaries to Market. The Rise and Regulation of Private Military Companies* (New York: Oxford University Press)

Jäger, Thomas and Kümmel, Gerhard (eds.) (2007) *Private Military and Security Companies. Chances, Problems, Pitfalls and Prospects.* (Wiesbaden: VS Verlag für Sozialwissenschaften)

Cockayne, James (eds.) (2009) *Beyond Market Forces. Regulating the Global Security Industry.* (New York: International Peace Institute)

Private Security Contractors at War. Ending the Culture of Impunity. Human Rights First, 2008 <http://humanrightsfirst.org> (relatively stable)

Scientific articles

Bureš, Oldřich (2005) Private Military Companies: A Second-Best Peacekeeping Option? *International Peacekeeping*. 12(4): 1-14

Bureš, Oldřich (2006) Privatizace operací na udržení míru. *Mezinárodní vztahy*. (2): 143-157

Brayton, Steven (2002) Outsourcing War: Mercenaries and the Privatization of Peacekeeping. *Journal of International Affairs*. 55(2): 303-39

Leander, Anna (2005) The Market for Force and Public Security: The Destabilizing Consequences of Private Military Companies. *Journal of Peace Research*. 42(5): 605-622

Jackson, Paul (2002) War is Much Too Serious a Thing to be Left to Military Men': Private Military Companies, Combat and Regulation. *Civil Wars*. 5(4): 30-55

Kinsey, Christopher (2005) Regulation and Control of Private Military Companies: The Legislative Dimension. *Contemporary Security Policy*. 26(1): 84-102

Singer, Peter W. (2003) Peacekeepers, Inc. *Policy Review*. 119: 59-70

Taulbee, James Larry (2003a) Mercenaries, Private Armies and Security Companies in Contemporary Policy. *International Politics*. 37: 433-56

Taulbee, James Larry (2002b) The Privatization of Security: Modern Conflict, Globalization and Weak States. *Civil Wars*. 5(2): 1-24

Sources

Beutel, M. Dee. (2006) Power Reconsidered: The Effects of Private Military Companies and the Need for Regulation Through International Collaboration. Conference Papers -- American Political Science Association, Annual Meeting, 1-42

- Gomes, Carla Marcelino (2009) *Private Military Companies – The Clash of „Civilianizations“?* International Studies Association, New York
- Peterson Ulrich (2008) *Outsourcing the Big Stick – the Consequences of Using Private Military Companies*. Weatherhead Center for International Affairs, Harvard University.
<http://www.cfr.org/iraq/us-security-agreements-iraq/p16448>
- Mason, Chuck R. (2011) *Status of Forces Agreement (SOFA): What Is It, and How It Has Been Utilized?* Congressional Research Service
- Coalition Provisional Authority (2004) *Status of the Coalition Provisional Authority, MNF Iraq, Certain Missions and Personnel in Iraq*. The Coalition Provisional Authority Order Number 17 (Revised). <http://www.iraqcoalition.org/regulations/>
- Military Extraterritorial Jurisdiction Act of 2000 (2000) Public Law :106-523.
<http://www.pubklaw.com/hi/p1106-523.pdf>
- Elsea, Jennifer and Schwartz, Moshe (2008) *Private Security Contractors in Iraq: Background, Legal Status, and Other Issues*. CRS Report for Congress
- Uniform Code of Military Justice. Cornell University Law School.
<http://www.law.cornell.edu/uscode/10/stApIIch47.html> (relativně stabilní)
- Deitelhoff, Nicole and Geis, Anna (2008) *Securing the State, Undermining Democracy: Internationalization and Privatization of Western Militaries*. Paper presented to the International Studies Association. 50th Annual Convention „Exploring the Past, Anticipating the Future“, New York
- Peterson, Ulrich (2009) *The Privatization Decision – Changing the military-civilian force mix*. Paper prepared for the 2009 ISA Annual Conference in New York
- Rosenau, William and Chalk, Peter (2009) *Multinational Corporations: Potential Proxies for Counterinsurgency?* Paper presented at the annual meeting of the ISA's 50th annual convention, New York
- Friedrichs, Jorg (2009) *The Privatization of Force and its Consequences. Unintended but not Unpredictable*. Paper presented to the Annual Convention of the International Studies Association, New York
- Avant Deborah and Sigelman Lee (2009) *What Does Private Security in Iraq Mean for US Democracy?* Paper prepared for the 2009 annual meeting of the International Studies Association, New York