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## Key Points

- ◆ The United States has hired record numbers of contractors to serve in the conflict zones of Iraq and Afghanistan but has not seriously examined their strategic impact.
- ◆ There are clearly advantages to using contractors in conflict zones, but they have three inherent characteristics that have serious negative effects during counterinsurgency operations. We cannot effectively control the quality of the contractors or control their actions, but the population holds us responsible for everything the contractors do, or fail to do.
- ◆ Contractors compete with the host government for a limited pool of qualified personnel and dramatically change local power structures.
- ◆ Contractors reduce the political capital necessary to commit U.S. forces to war, impact the legitimacy of a counterinsurgency effort, and reduce its the perceived morality. These factors attack our nation's critical vulnerability in an irregular war—the political will of the American people.

# Private Contractors in Conflict Zones: The Good, the Bad, and the Strategic Impact

by T.X. Hammes

In Iraq and Afghanistan, the use of contractors reached a level unprecedented in U.S. military operations. As of March 31, 2010, the United States deployed 175,000 troops and 207,000 contractors in the war zones. Contractors represented 50 percent of the Department of Defense (DOD) workforce in Iraq and 59 percent in Afghanistan.<sup>1</sup> These numbers include both armed and unarmed contractors. Thus, for the purposes of this paper, the term *contractor* includes both armed and unarmed personnel unless otherwise specified. The presence of contractors on the battlefield is obviously not a new phenomenon but has dramatically increased from the ratio of 1 contractor to 55 military personnel in Vietnam to 1:1 in the Iraq<sup>2</sup> and 1.43:1 in Afghanistan.<sup>3</sup>

This increase is the logical outcome of a series of decisions going back decades. Force structure reductions ranging from the post-Vietnam decisions that moved most Army logistics support elements to the Army Reserve and Guard<sup>4</sup> to the post-Cold War reduction that cut the Army from 18 to 10 divisions with corresponding cuts in support forces greatly reduced the Services' ability to support long-term operations. Next, a series of decisions in the 1990s led to the employment of contractors in the Balkans for tasks from traditional campbuilding to the new concept of "force development" that saw MPRI training the Croatian army. Finally, the decision to invade Iraq with minimum forces left the United States with too few troops in-theater to deal with the disorder that resulted from the removal of Saddam. Thus, it is understandable that the immediate, unanticipated need for large numbers of logistics and security personnel, shortage of such troops on active duty, and the precedent for using contractors

in the Balkans caused the Pentagon to turn to contractors to fill the immediate operational needs. However, the subsequent failure to conduct a careful analysis of the wisdom of using contractors is less understandable. The executive branch has conducted numerous investigations into fraud, waste, and corruption in the contracting process. Congress has held hearings and established the Commission on Wartime Contracting in Iraq and Afghanistan. Yet the U.S. Government has not systematically explored the essential question: Does using contractors in a conflict zone make *strategic* sense?

This paper explores that question. It examines the good, the bad, and the strategic impact of using contractors in conflict zones. It concludes with policy recommendations for the future employment of contractors and outlines additional actions needed to understand and cope with the rapidly expanding use of armed contractors worldwide.

## The Good

Contractors provide a number of advantages over military personnel or civil servants—speed of deployment, continuity, reduction of troop requirements, reduction of military casualties, economic inputs to local economies, and, in some cases, executing tasks the military and civilian workforce simply cannot. This section examines each of these advantages in turn.

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### **there has been very little investigation by the U.S. Government into the strategic impact of contractors in conflict zones**

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Speed of deployment—the ability to quickly mobilize and deploy large numbers of personnel—is particularly important when a plan fails to anticipate problems. Since the Pentagon had not planned to keep large numbers of troops in Afghanistan or Iraq for any period of time, it had not planned for the required logistics support.

The Pentagon also failed to anticipate the requirement for large numbers of security personnel to protect all U.S. activities (including political and reconstruction activities) once the Afghan and Iraqi governments were toppled.

By tapping into databases, running job fairs in the United States, and contracting for labor from Third World companies, contractors were able to quickly recruit, process, and ship personnel to run base camps, drive trucks, and perform the hundreds of housekeeping chores required to maintain both combat forces and civil administrators spread across Iraq and Afghanistan. More challenging was finding qualified personnel to provide security for the rapidly growing U.S. presence in both nations. Private companies managed to find people, hire them, and move them into country—all without the political problems inherent in mobilizing additional U.S. military forces to execute the same tasks. The combination of speed and a low political profile made contractors an attractive choice to provide the resources for which the administration had failed to plan. In addition, the use of contractors aligned with previous decisions and the administration's faith in the efficiency and effectiveness of private business compared to governmental organization. Both inside and outside Iraq and Afghanistan, contractors replaced tens of thousands of soldiers normally required to move, stage, marshal, and transport personnel and supplies into conflict zones.<sup>5</sup>

Continuity is a second major advantage of contractors. While the U.S. military has a policy that ensures the vast majority of personnel rotate every 6 to 12 months, contractors are often willing to stay for longer periods. For key billets, companies can offer significant bonuses to personnel who stay. The companies know that they will reap commensurate savings due to the personnel continuity, and employees see an opportunity for significantly increased pay. Sometimes, moreover, longevity leads to a greater understanding of the situation. This can lead to more effective decisionmaking to include an understanding of the political impact of the contractor's decisions.

The most highly prized attribute of private contractors is that they reduce troop requirements by replacing

military personnel. This reduces the military and political resources that must be dedicated to the war. At the height of the surge in April 2008, the Department of Defense (DOD) stated it had 163,900 contractors supporting 160,000 troops in Iraq.<sup>6</sup> Without the presence of contractors, the United States would have had to provide literally twice as many troops. The U.S. Armed Forces struggled to maintain 160,000 troops in Iraq; it is doubtful that they could have supported the 320,000 needed if contractors were not employed. While the vast majority of contractor personnel were involved in noncombatant logistics tasks, DOD estimated there were over 20,000 armed contractors in Iraq during 2007. Other organizations have much higher estimates.<sup>7</sup> Even using the Pentagon's lower estimate, contractors provided three times more armed troops than the British. It should also be noted that in Iraq and Afghanistan, many unarmed, logistic support personnel functioned in what the military would define as a combat role. The drivers were subjected to both improvised explosive devices and direct fire attacks. This combination of drivers willing to run the gauntlet of ambushes and armed contractors replaced at least two full combat divisions. Given the very low support-to-operator ratio that contractors maintain, it is not unreasonable to estimate they actually replaced three divisions.

The contractors not only provided relief in terms of personnel tempo but also reduced military casualties. Contractors absorbed over 25 percent of the killed in action in Iraq, which reduced the political resources required to maintain support for the conflict. By the end of 2009, contractors reported almost 1,800 dead and 40,000 wounded in Iraq and Afghanistan.<sup>8</sup> As the fighting in Afghanistan gets worse, contractors are now suffering more deaths than U.S. forces: "In the first two quarters of 2010 alone, contractor deaths represented more than half—53 percent—of all fatalities. This point bears emphasis: since January 2010, more contractors have died in Iraq and Afghanistan than U.S. military soldiers."<sup>9</sup> For practical purposes, these casualties were "off the books" in that they had no real

impact on the political discussions about the war. As Peter Singer noted:

*there was no outcry whenever contractors were called up and deployed, or even killed. If the gradual death toll among American troops threatened to slowly wear down public support, contractor casualties were not counted in official death tolls and had no impact on these ratings. . . . These figures mean that the private military industry has suffered more losses in Iraq than the rest of the coalition of allied nations combined. The losses are also far more than any single U.S. Army division has experienced.<sup>10</sup>*

Contractor casualties are not reported via the Pentagon, but only through the U.S. Department of Labor. Labor's Web site notes that these are not comprehensive statistics but only represent those injuries and deaths

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that resulted in insurance claims.<sup>11</sup> Thus, it is difficult if not impossible to determine how many additional casualties were suffered by other nations' contractors in either Iraq or Afghanistan.

Replacing these contractors, both armed and unarmed, would have required additional major mobilizations of Reserves or a dramatic increase in Army and Marine Corps end-strength. In effect, the mobilization of civilian contractors allowed the United States to engage in a protracted conflict in Iraq without convincing the U.S. public of the need for additional major mobilizations or major increases in the Active Armed Forces. The decision to hire contractors can be taken out of view of the public while decisions to increase troop strength are usually subject to intense debate. Opponents of contractors point

out that this makes it easier for U.S. political leaders to commit forces to protracted conflicts precisely because it reduces uniformed casualties.<sup>12</sup> Whether the tendency of contractors to reduce the political cost of operations is a good thing depends upon one's view of the particular conflict.

Another advantage frequently cited by proponents of the use of contractors is that of cost. According to their calculations, contractors are much cheaper to use than government employees. In fact, the actual costs remain a point of contention. The Congressional Research Service reported that the "relative cost advantage of the contractors can vary, and may diminish or disappear altogether, depending on the circumstances and contract."<sup>13</sup> Determining actual costs is extremely difficult due to the large number of variables involved—some of them currently impossible to document. For instance, with over 40,000 U.S. contractors wounded to date, we are unable to estimate potential long-term care costs to the U.S. Government. While contractors may claim their insurance covers those costs, the government, in fact, paid for that insurance through the contract, and if the coverage proves insufficient, the government may well end up paying for the continued care through various governmental medical programs. In short, long-term costs associated with employing contractors in a conflict environment are essentially unknowable.

However, one cost benefit of contractors is indisputable. As soon as the need goes away, they can be let go when the contract expires. Thus, unlike military or government employees who continue on the payroll or return to Reserve status, contractors are simply paid off and sent home.

Another useful aspect of contracting is that it can provide economic inputs to local economies by hiring locals to provide services. Creating jobs and stimulating the economy are key aspects of population-centric counterinsurgency. In the Balkans and Afghanistan, the North Atlantic Treaty Organization (NATO) and International Security Assistance Force (ISAF) have

hired large numbers of local personnel to conduct both armed and unarmed tasks. Carefully targeted contracts can be used to co-opt local power structures to support the government.

General David Petraeus, ISAF commander, specifically tasked his commanders to be aware of both the benefits and dangers of contracting in Afghanistan. He ordered them to monitor their contracts carefully to ensure they are contributing to the counterinsurgency campaign.<sup>14</sup>

A final, critical advantage is that contractors can execute tasks that U.S. military and civilian forces simply cannot. Some tasks, such as providing large numbers of interpreters, are obvious and widely applicable. Others are situation-specific. For instance, in Afghanistan, we lack the forces to secure our primary supply lines to Pakistan because they run through areas either

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controlled or heavily contested by the Taliban or bandits and police who charge for use of the road. Furthermore, if history is any guide, even a heavy presence of U.S. troops would not guarantee the delivery of supplies. Fortunately, Afghan contractors display the mix of force, personal connections, and negotiation skills to maintain our supply lines.

## The Bad

When serving within conflict zones, particularly during a counterinsurgency, contractors create a number of significant problems from tactical to strategic levels. Three

inherent characteristics of contractors create problems for the government. First, the government does not control the quality of the personnel that the contractor hires. Second, unless it provides a government officer or noncommissioned officer for each construction project, convoy, personal security detail, or facilities-protection unit, the government does not control, or even know about, their daily interactions with the local population. Finally, the population holds the government responsible for everything that the contractors do or fail to do. Since insurgency is essentially a competition for legitimacy between the government and insurgents, this factor elevates the issue of quality and tactical control to the strategic level. In addition to these inherent characteristics, there are numerous other negative outcomes that flow from using contractors. Contractors compete directly with the host nation for a limited pool of educated, trained personnel. Their presence and actions can dramatically change local power structures. They fragment the chain of command. And when they fail to perform, contractors can be difficult to fire.

Quality control is a well publicized issue. Repeated reports of substandard construction, fraud, and theft highlight the problems associated with unarmed contractors. As noted above, these incidents are being investigated. In addition, the U.S. Government is working hard to refine contracting and oversight procedures to reduce these types of problems. Despite their best efforts, however, contracting officers cannot control how contractors treat their local employees. Poor treatment, lack of respect for local customs, skills, and methods—and even physical abuse to include sexual exploitation—have been recurrent problems with unarmed contractors.

Unfortunately, the problem is just as prevalent with armed contractors. While high-end personal security details generally are well trained, less visible armed contractors display less quality. When suicide bombers began striking Iraqi armed forces recruiting stations, the contractor responsible for recruiting the Iraqi forces subcontracted for a security force. The contractor was promised former Gurkhas. What showed up in Iraq a couple of weeks later were untrained, underequipped Nepalese

villagers.<sup>15</sup> Not only did these contractors provide inadequate security, the United States armed them and authorized them to use deadly force in its name.

Since the government neither recruits nor trains individual armed contractors, it essentially has to trust the contractor to provide quality personnel. In this case, the

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subcontractor took shortcuts despite the obvious risk to the personnel manning the recruiting stations. Even if the government hires enough contracting officers, how can it determine the combat qualifications of individuals and teams of armed personnel? The U.S. military dedicates large facilities, major exercises, expensive simulations, and combat-experienced staffs to determine if U.S. units are properly trained. Contractors do not. We need to acknowledge that contracting officers have no truly effective control over the quality of the personnel the contractors hire. The quality control problems are greatly exacerbated when the contractor uses subcontractors to provide services. These personnel are at least one layer removed from the contracting officer and thus subject to even less scrutiny.

In reality, it is virtually impossible to determine the actual effectiveness of any contractors—armed or unarmed—until they begin to operate in theater (and only then if a member of the U.S. Government can observe the contractors as they operate).

Compounding the problems created by lack of quality control, the government does not control the contractor's daily contact with the population. Despite continued efforts to increase government oversight of contractor operations, nothing short of having sufficient numbers of qualified U.S. Government personnel accompanying and commanding contractors will provide control. This lack of control usually means we may get poorly wired

buildings, malfunctioning computer systems, and unfinished projects. However, too often, it includes incidents of bullying, abuse, intimidation, and even killing of local civilians such as the DynCorp employee who ran a child sex ring in the Balkans or the September 2007 Blackwater shootings in Nisour Square, Baghdad.

This lack of quality and tactical control greatly increases the impact of the third major problem: the United States is held responsible for everything the

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contractors do or fail to do. Despite the fact the United States has no effective quality or operational control over the contractors, the local population rightly holds it responsible for all contractor failures. Numerous personal conversations with Iraqis revealed a deep disgust with the failure of many contractors to provide promised services despite being well paid. There was even more anger with the actions of armed contractors. Iraqis noted the United States gave the armed contractors authority to use deadly force in its name. While Iraqis were not confident that American forces would be punished for killing Iraqis, they believed it was at least a possibility. However, the Iraqis were convinced that contractors were simply above any law. The Iraqi perception that it will be impossible to prosecute a contractor is reflected in a Congressional Research Service report that required 17 pages simply to outline the various legal structures under which a contractor might be prosecuted. The paper indicated that there was no clear legal precedent for prosecuting contractors, and it noted none had been prosecuted up through August 2008.<sup>16</sup>

These perceptions can seriously undercut the legitimacy of both the host nation and U. S. Government. A

key measure of the legitimacy of a government is a monopoly on the use of force within its boundaries. The very act of hiring armed contractors dilutes that monopoly.<sup>17</sup> Legitimate governments are also responsible for the actions of their agents—particularly those actions taken against their own populations. Despite efforts to increase the accountability of contractors, the Congressional Research Service noted the widespread perception that contractors who commit crimes against host nation people are outside the legal reach of both the host country and the United States.<sup>18</sup> Contractors, armed or unarmed, could be quickly flown out of the country if their company believed they violated a law. And while the United States has laws criminalizing certain activities, the cost and difficulty of trying a contractor for crimes that occurred overseas in a conflict zone has so far deterred U.S. prosecutors. In over 7 years of activity in Iraq, no contractor has been convicted in a U.S. court of a crime against Iraqi citizens.

Exacerbating the legitimacy issue, contractors of all kinds are a serious irritant to the host nation population. Armed contractors irritate because they are an uncountable group that can and does impose its will upon the population in many daily encounters: forcing locals off the road, using the wrong side of the road, and pointing weapons at civilians. Even unarmed contractors irritate the population when they take relatively well paying jobs that local people desperately need while at the same time driving up prices. Contractors, when they do hire locals, often treat them with a lack of respect and trust. Furthermore, the complete control over who works on projects combined with the disrespect shown those locals that are hired reinforces local perceptions of the United States as an occupying power.

In addition to undercutting government legitimacy, the use of contractors may actually undercut local government power. In Afghanistan, security and reconstruction contracts have resulted in significant shifts in relative power between competing Afghan *qarwms*<sup>19</sup> as well as allegations of corruption. Dexter Filkins, writing in the *New York Times*, notes that the power structure in Orugzan Province, Afghanistan, has changed completely due to the

U.S. Government's selecting Matiullah Khan to provide security for convoys from Kandahar to Tirin Kot:

*With his NATO millions, and the American backing, Mr. Matiullah has grown into the strongest political and economic force in the region. He estimates that his salaries support 15,000 people in this impoverished province. . . . This has irritated some local leaders, who say that the line between Mr. Matiullah's business interest and the government has disappeared. . . . Both General [Nick] Carter [commander of ISAF South] and Hanif Atmar, the Afghan interior minister, said they hoped to disband Mr. Matiullah's militia soon—or at least to bring it under formal government control. . . . General Carter said that while he had no direct proof in Mr. Matiullah's case, he harbored more general worries that the legions of unregulated Afghan security companies had a financial interest in prolonging chaos.<sup>20</sup>*

Thus, an unacknowledged but serious strategic impact of using contractors is to directly undercut both the legitimacy and the authority of the host nation government. In this case, the shortage of ISAF troops and sheer difficulty of maintaining security along this route means that there is currently no feasible alternative. That makes it more important than ever that the U.S. Government take specific actions to minimize the negative strategic impacts of this operational necessity. Contracting actions must be seen as an integral part of the campaign rather than simply treated as a logistics function.

Contracting also has a direct and measureable impact on the local economy. When the U.S. Government passes its authority to a prime contractor, that contractor then controls a major source of new wealth and power in the community. However, the contractor is motivated by two factors: maximizing profit and making operations run smoothly. This means that even if he devotes resources to understanding the impact of his operations on society, his decisions on how to allocate those resources will differ from those of someone trying to govern the area. For in-

stance, various contractors' policies of hiring South Asians rather than Iraqis angered Iraqis during the critical early phases of the insurgency. Desperate for jobs, the Iraqis saw third country nationals getting jobs that Iraqis were both qualified for and eager to do.<sup>21</sup> While there were clear business and security reasons for doing so, the decision was a slap in the face of Iraqis at a time of record unemployment. In Afghanistan, the contractor can literally shift the local power structure by picking one *qwam* over another to execute the contract. The winning *qwam* gains rich resources and access to both U.S. and Afghan officials.

In contrast, the U.S. Government in the form of a Provincial Reconstruction Team (PRT) commander or a unit commander writes contracts specifically to influence the political and security situation in the area. Commanders see the contracts themselves as a campaign tool. While its effect is limited by the cultural understanding of the commander and is often less efficient for the specific project, this system can be much more effective in the overall counterinsurgency campaign.

A related problem is the perception of the local population concerning how these contracts are managed. In Afghanistan, many Afghans are convinced that some contracts expend up to 80 percent of the funds on management. The Agency Coordinating Body for Afghan Relief states that 40 percent of nonmilitary aid goes straight to corporate profit and salaries. Profit margins run as high as 50 percent, and full-time expatriate consultants cost between \$250,000 and \$350,000 per year.<sup>22</sup>

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Many of the contracts run through multiple subcontracting companies before the aid reaches the Afghan people; each subcontractor takes a percentage for administrative

overhead.<sup>23</sup> These confirmed cases of misuse of development funds further reduce the weak legitimacy of the Afghan government as well as ISAF efforts.

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There are also a number of indirect consequences of employing armed contractors. First, this practice opens the door for local organizations to build militias under the cover of being a security company. It is difficult to object to other elements of a society hiring security when the government is doing so. This is particularly true when the government is hiring both locals and foreign nationals to provide security. If the government needs private contractors to feel safe, the citizens, local businesses, or even local political organizations can certainly argue that they do, too. This fact has created significant problems for ISAF in Afghanistan:

*Because PSCs [private security companies] are under the control of powerful individuals, rather than the Afghan National Security Forces, they compete with state security forces and interfere with a government monopoly on the use of force. There is growing pressure from ISAF and within the Afghan government to reform and regulate these companies. Major General Nick Carter, the commander of Regional Command–South, recently briefed that ISAF was developing a strategy to regulate PSCs as part of the Kandahar Operations unfolding in summer 2010.<sup>24</sup>*

In addition, private security companies can compete directly with host nation attempts to recruit and retain military and police personnel. In January 2010, Major General Michael Ward, Deputy Commander Police, NATO Training Mission Afghanistan, stated that

Afghanistan's government was considering capping the pay of private security firms because Afghan police were deserting in large numbers for the better pay and working conditions associated with private companies.<sup>25</sup> This has created significant problems for ISAF. General Carter told reporters:

*[P]rivate security companies and militias are a serious problem . . . this is, of course, something that is of our own creation to a degree . . . where we contracted out everything to the civilian market, has created these private security companies. And of course they are paid a great deal more than our Afghan security forces, which in itself is counterproductive because, of course, the temptation for a soldier in the ANP [Afghan National Police] is to go across to a private security company because he might earn double in pay.<sup>26</sup>*

Contract hiring of unarmed personnel also competes directly with the host nation civil government. In both Iraq and Afghanistan, educated professionals took jobs as drivers or clerks with contractors and nongovernmental organizations (NGOs) simply because the jobs paid more than they could earn working for their own governments. In effect, ISAF and NGO hiring has created an internal “brain drain.” This is of particular concern in Afghanistan where human capital is a major limitation on the ability of the government to function.

On August 16, 2010, President Hamid Karzai decreed that all private security contractors must cease operations in Afghanistan within 4 months.<sup>27</sup> Unfortunately, currently ISAF and most humanitarian agencies rely on armed contractors to provide security for essential operations, and neither ISAF nor the Afghan Security Forces are prepared to execute those missions.

At the time of this writing, it is too early to evaluate the impact of President Karzai's announcement, but it does highlight the political complications that such contractors inject into counterinsurgency campaigns.

Contractors, both armed and unarmed, also represent a serious military vulnerability. In the uprising in



Iraq during the spring of 2004, both Sunni and Shia factions conducted major operations against coalition forces. The insurgents effectively cut Allied supply lines from Kuwait. U.S. forces faced significant logistics risks as a result. Despite the crisis, U.S. officials could not morally order unarmed logistics contractors to fight the opposition. The contractors lacked the training, equipment, and legal status to do so. Had the supply line been run by military forces, it would have been both moral and possible to order them to fight through. Despite this demonstrated operational vulnerability, the fact that unarmed contractors are specifically not obligated to fight has not been discussed as a significant risk in employing contractors rather than military logistics organizations. Furthermore, while military logistics units can provide their own security in low threat environments, unarmed contractors cannot. The government must either assign military forces or hire additional armed contractors to provide that security.

The substitution of unarmed contractors for Soldiers and Marines creates yet another vulnerability: lack of an emergency reserve. In the past, support troops have been repeatedly employed in critical situations to provide reinforcements for overwhelmed combat troops. Contractors are simply unable to fulfill this emergency role. This limitation, as well as the unarmed contractor's inability to fight, is even more significant in conventional conflicts than in irregular war.

Contracting also takes key elements of the counterinsurgency effort out of the hands of the commander. In the spring of 2010, ISAF determined that DynCorp had failed in its contract to train and mentor the Afghan police.<sup>28</sup> ISAF then put the contract out for competition. General Stanley McChrystal, then-commander of ISAF, stated that the police were one of the most critical elements of his campaign plan, so the contracting process was accelerated. Not surprisingly, DynCorp did not win the new contract. Since time is critical in Afghanistan, plans were made to rapidly transition the contract to a new provider to ensure that the Afghan police could play

their part in the counterinsurgency campaign. However, DynCorp successfully protested the contract award.<sup>29</sup> Thus, it retains the training contract and will retain it until all legal processes are exhausted. In short, the commander lost control of one of the critical elements of his counterinsurgency campaign at a critical time—and there was nothing he could do about it. Despite DynCorp's documented failure, at the time of this writing, it remains in charge of police training and mentoring with the full knowledge that as soon as possible ISAF will get rid of DynCorp.

Contracts also fragment the chain of command. All military units in a theater are under the command of a military officer, but contractors are not. While both contractors and the government have worked hard to resolve coordination issues, the fact remains that contractors are not under military command. Complicating any attempt to create unity of effort is the fact that contractors are in direct competition with each other and treat a significant portion of the information concerning their operations as proprietary information, which they will not share with the government or their competitors.

## Strategic Impact

Despite the numerous problems articulated above, contractors will have an important and continuing role

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in U.S. operations—both domestic and overseas. There are currently numerous important functions that the U.S. Government is incapable of performing without contractor support. This is not a new phenomenon. DOD—particularly the Air Force and Navy—has long relied on contractors to fill niche requirements such as maintaining and, sometimes, even operating the newest high

technology equipment. More recently, contractors have been hired to execute many of the routine housekeeping tasks at permanent U.S. military facilities.

However, despite conducting almost 9 years of combat operations supported by contractors, the United States still has not conducted a substantial examination of the strategic impact the use of contractors has in counterinsurgency. This does not mean contracts and contractors are not being studied. Congress formed the Commission on Wartime Contracting specifically “to assess a number of factors related to wartime contracting, including the extent of waste, fraud, abuse, and mismanagement of wartime contracts.”<sup>30</sup> Focused on improving the efficiency of wartime contracting, the commission did not discuss the strategic impact of using contractors in its 2009 Interim Report.<sup>31</sup> This author hopes that the commission will include the strategic impact in its final report in 2011.

Within the executive branch, DOD and the Department of State are conducting studies on how to reduce fraud and increase the efficiency of contractors. The Joint Staff is running a major study to determine the level of dependency on contractor support in contingency operations. Various Department of Justice investigations are going over past contracts for everything from fraud to

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abuse of prisoners to inappropriate use of deadly force. Yet none of these studies is looking at the fundamental questions concerning the strategic impact of contractors in combat.

Contractors clearly can have a strategic impact on the success of counterinsurgency operations in a variety of ways. The most important include reducing

the political capital necessary to commit U.S. forces to war; potentially reducing the legitimacy of a counterinsurgency effort; and damaging the perceived morality of the war effort. Rather than automatically defaulting to hiring contractors as a relatively quick, easy, and politically benign solution to an immediate problem, the United States should first answer several key strategic questions.

First, what is the impact of contractors on the initial decision to go to war as well as the will to sustain the conflict? Contractors provide the ability to initiate and sustain long-term conflicts without the political effort necessary to convince the American people a war is worth fighting. Thus, the United States can enter a war with less effort to build popular consensus. Most wars will not require full-scale national mobilization, but rather selective mobilization of both military and civilian assets. Both proponents and opponents admit that without contractors, the United States would have required much greater mobilization efforts to generate and support a force of 320,000 in Iraq (the combined troop and contractor count) or a force of over 210,000 in Afghanistan. The use of contractors allowed us to conduct both wars with much less domestic political debate.

But is this good? Should we seek methods that make it easier to take the Nation to war? That appears to be a bad idea when entering a protracted conflict. Insurgents understand that political will is the critical vulnerability of the United States in irregular warfare. They have discussed this factor openly in their online strategic forums for almost a decade.<sup>32</sup> Ensuring that the American public understands the difficulty of the impending conflict and is firmly behind the effort should be an essential element in committing forces to the 10 or more years that modern counterinsurgencies require for success. Thus, while the use of contractors lessens the extent of political mobilization needed, it may well hurt the effort in the long term.

Second, as discussed earlier in this paper, contractors can undermine the legitimacy of both U.S. and host nation counterinsurgency efforts in a variety of ways. Field Manual 3–24, *Counterinsurgency*, states that the conflict

is a competition for legitimacy between the counterinsurgent and the insurgent.<sup>33</sup> Widespread use of contractors can directly undercut a central theme of counterinsurgency doctrine. Under certain conditions, we may choose to use contractors in spite of the negative impact on legitimacy, but we should not do so in ignorance of that impact. Any decision to use contractors in a conflict zone should be carefully considered for its impact on the strategy that we have chosen and the campaign plan we are using to execute that strategy.

A third area that needs strategic consideration is the morality of using contractors. What are the moral implications of authorizing contractors, qualified or not, to use deadly force in the name of the United States? What about hiring poor Third World citizens to sustain casualties in support of U.S. policy? What is the U.S. responsibility for wounded and killed contractors—particularly those from the Third World? While these sound like theoretical questions, they are in fact practical ones. Maintaining long-term domestic popular support for conflict requires that U.S. actions be both legitimate and moral.

## Recommendations

Currently, the Commission for Wartime Contracting ([www.wartimecontracting.gov](http://www.wartimecontracting.gov)) is examining a broad range of issues concerning wartime contracting and will present its final report in 2011. Of particular interest will be the report's findings on "inherently governmental" functions that should not be done by contractors. Even as the commission continues its work, the manpower requirements of the current conflicts mean that, for the near term, the United States will continue to employ a large number of contractors in war zones. In fact, as our forces draw down in Iraq, the State Department has stated its requirement for security contractors will increase significantly.<sup>34</sup>

Near-term operational imperatives and the potential negative strategic impacts discussed above highlight the need for clear guidelines about when and how the U.S. Government should employ contractors. This question should be a central part of our post-Afghanistan force structure discussions. The size and type of force that we

build for the future depends on a clear concept of how the United States plans to use contractors, both armed and unarmed, in present and future conflicts. This discussion cannot wait until the commission's report is finalized and approved. The Secretary of Defense is already pushing the department to reduce its budget significantly. The debate about future force structure is well under way.

A number of factors are putting major pressure on force structure planners. The primary pressure will be the falling budgets that Secretary Robert Gates has clearly warned the Services to expect. In addition, as U.S. forces begin to withdraw from Afghanistan, force planners will have to decide how to allocate limited resources to position the Armed Forces to deal with future conflicts. There is an intense, ongoing debate about which types of conflicts should take priority and then how the forces

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### widespread use of contractors can directly undercut a central theme of counterinsurgency doctrine

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should be structured, equipped, and trained to deal with those contingencies. A tempting way to avoid tough decisions will be to assume contractors will provide major services across the spectrum of conflict, thus dramatically reducing the force requirements for logistics and security. In the past, we have often sacrificed force structure to save weapons systems. Planning to use contractors in future conflict zones would reinforce this tendency.

Any force planning documents should clearly state what assumptions have been made concerning the functions of the contractors who will support the force. The following guidelines should be employed in considering when and how to use contractors in the future.

The U.S. Government's default position should be no contractors "outside the wire" in a conflict zone. Contractor presence outside secure facilities places them in direct contact with the population. Contractors can undercut the legitimacy of the host nation government, reduce the accountability of the U.S. Government

for actions taken in its name, irritate the population, compete directly for the most competent local personnel, fragment the chain of command, provide an excuse for forming local militias, and are difficult to fire—even when ineffective. Given these issues, the United States should strive to keep contractors out of conflict zones. This will not always be possible but should be the standard. Most of the problems highlighted in this paper

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**the size and type of force that we build for the future depends on a clear concept of how the United States plans to use contractors, both armed and unarmed, in present and future conflicts**

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occurred in conflict zones. The unique stresses on the contractors combined with the severe limitations on the government's ability to oversee their performance resulted in repeated actions that reduced operational effectiveness and undercut the U.S. strategic position. The cost savings of using contractors are uncertain at best. In contrast, the strategic and operational problems that arise from using them in a counterinsurgency are clear and documented.

The U.S. Government is unlikely to have enough government employees to perform the numerous house-keeping functions—mess, laundry, cleaning, and so forth—that are an integral part of any operation. Therefore, the default position should remain that we hire contractors only for those functions that take place within a secure facility and require minimum contact with host nation personnel. This means that DOD must be able to provide security for other U.S. Government organizations working in conflict zones until such time as they can hire and train sufficient government security personnel. Exceptions to this rule should be closely examined. This position must be an explicit factor in force structure planning. The one consistent exception to this rule will

be interpreters since the U.S. Government simply cannot maintain sufficient linguistic capability for the wide range of possible future commitments.

If U.S. Government capacity is exceeded, the default position should become using host nation organizations first and host nation contractors next with U.S. or foreign contractors being a choice of last resort. As noted, even with a default position of not hiring contractors in conflict zones, some elements of the government would most likely hire contractors, including armed contractors, in future conflicts. Some agencies could determine that they cannot achieve an assigned task without contractors and would be unable to get other U.S. Government partners to take the mission. To minimize the negative impact of contractors in irregular war, policy should give strong preference to the host nation providing the services—even if they have to be funded and supported by the United States.

Examples where local contractors should be first choice are inside secure facilities and as fixed point security. Many of the jobs contractors perform inside facilities—meal preparation, cleaning—can easily be done by local labor. Since local contractors would commute to and from work, hiring them would require more effort be dedicated to security than the current practice of importing South Asian laborers and keeping them on base. However, hiring local laborers provides economic stimulus. In addition, the fixed point security mission may well be appropriate for local personnel because these jobs require little training and, because they are in a fixed position, are easier to supervise. The primary effort should be to train local personnel to execute such jobs with those security personnel transitioning to the appropriate host nation government authority as soon as possible. Transitioning supervision of these personnel to local governments could be easier than doing so with regular army or police. However, caution must be exercised whenever considering armed contractors because the very act of the government hiring contractors legitimizes the private use of force. If a government needs to hire armed protection, then it is difficult to deny businesses, political parties,

and other entities the right to hire armed contractors. In both Iraq and Afghanistan, this dynamic led to private militias that work for local strongmen rather than a local community. NGOs, who often have been forced to hire contractors as the security situation deteriorates, would continue to insist on protecting their people. Thus, a major focus of the initial effort must be to replace contract security with government-provided security.

In cases where the host nation lacks the necessary capacity, local companies and personnel should receive strong preference. In irregular war, it is important that these jobs be assigned to the local population both to stimulate economic growth and provide alternatives to insurgent employment for local males. While such contracts may be necessary, maximum effort should be made to ensure that responsibilities are transferred to the host nation government personnel as early as possible. Even as host nation government capacity grows, there may be some jobs that require local security contractors. In Afghanistan, escorting logistics convoys from Pakistan to Afghanistan falls into this category. The historical record indicates ISAF or the Afghan government would require massive forces to accomplish the mission. The Afghan “security companies” have succeeded at this task, but operate outside ISAF rules of engagement, upset local power structures, and can create additional enemies. Future use of local security companies for such missions must be carefully balanced against their negative side-effects and employed only when there is no other solution. If President Karzai enforces his order that contract security cease operations by December 2010, this may provide a valuable case study in how government forces can replace armed contractors or the negative impacts if they attempt to replace contractors but lack the capacity to do so.

The default position should be to hire contractors or U.S. Government civilian employees to fill those billets requiring deployment to locations *outside* the conflict zone. One of the greatest problems the U.S. military faces in protracted war is personnel tempo—the period service personnel spend away from home. By hiring contractors to fill jobs overseas but outside the conflict

zone, the United States can reduce the personnel tempo of the uniformed forces. Our current use of contractors in Kuwait is a good example of this approach. While deployments to Kuwait to support the effort in Iraq are not dangerous, they do increase the personnel tempo of the uniformed Services. Thus, DOD has filled most of these billets with contractors, who have compiled a very good record running the training, maintenance, and transit facilities in Kuwait. This type of well-defined, repetitive administrative task is ideal for contractors particularly in a forward-deployed, nonconflict location. Furthermore, the contractors, like all expatriates working in the country, are subject to Kuwait’s legal system, and thus, the local population sees them as accountable to Kuwait authority.

Aggressive efforts should be made to use either DOD civilian employees or contractors to fill nondeploying military billets. As stated, personnel tempo is a major problem for the Services. Yet the Defense Business Board noted that, despite 9 years of conflict, fully 40 percent of Active duty personnel have not deployed to a conflict zone, and an additional 30 percent have deployed only once.<sup>35</sup> While a significant number of these nondeployers are first-term personnel who have not yet received sufficient training to deploy, the number of career force personnel who have not deployed is still high. These personnel are filling nondeploying billets. Rather

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than hiring contractors to fill billets inside the conflict zone, we need to examine which of these nondeploying billets can be filled by contractors, freeing uniformed personnel to deploy.

If contractors are required, they must be under the direct supervision of a U.S. Government employ-

ee. While the government is making strenuous efforts to increase the number of contracting officers and to become more specific in writing contracts, the fact remains that the government cannot control contractor actions without direct supervision. Unless it has direct supervision, the government will remain unaware of contractors whose actions alienate the local population or fail to meet U.S. standards. The degree of supervision will vary with the type of work being done. Routine maintenance work in a secure facility would require only normal contracting oversight. Armed escorts or drivers who are in regular contact with civilian

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## **if contractors are required, they must be under the direct supervision of a U.S. Government employee**

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populations would require constant supervision in the form of a government employee riding with each vehicle and commanding each convoy. This would give rise to a number of problems such as having a government employee making less money but taking the same risks as a contractor or having a less experienced government employee supervising a more experienced and often older contractor. However, these are minor problems compared to those created by the population's perception of unsupervised contractors.

### **Long-term Requirement**

This paper has focused on the current U.S. use of contractors in conflict zones, but the use of armed contractors is on the rise around the world. Led by the United States, many nations have reintroduced armed contractors to conflict zones. In addition, the lack of security in undergoverned areas has led NGOs, international organizations, private companies, and even nation-states to hire armed contractors to provide security and unarmed contractors to deliver services. In some cases, it is difficult to tell if contractors are part of a private firm or are hired by a government that does not wish to send of-

ficial government personnel. The most serious potential problems arise from the fact that large numbers of armed contractors are being injected into an international security arena that lacks recent experience in regulating them.

Armed contractors are having a global impact well beyond that of the two irregular wars America is fighting. Armed contractors introduce a new element into international relations. Current international law and international organizations such as the United Nations have developed protocols and procedures for dealing with the use of the armed forces of nation-states as well as insurgents. However, these same organizations have a paucity of experience in dealing with the introduction of armed contractors into a conflict zone whether those contractors are hired by a private firm or a nation-state. This leads to a final recommendation.

The United States must develop policies and procedures to deal with the presence of armed contractors in conflict zones. Because these armed entities are generally outside the experience and mandate of current international organizations and mechanisms, they will continue to have unforeseen impacts. Thus, the United States must work with other states, NGOs, and international organizations to develop policies, procedures, and institutions to deal with the presence of armed contractors in conflict zones. The Montreux Document is an example of such an effort and deserves the support of the United States.<sup>36</sup> However, it is only the first step in learning to manage these new players in the international arena.

### **Notes**

<sup>1</sup> Moshe Schwartz, *Department of Defense Contractors in Iraq and Afghanistan: Background and Analysis* (Washington, DC: Congressional Research Service, July 2, 2010), 5.

<sup>2</sup> Congressional Budget Office, "Contractors Support of U.S. Operations in Iraq," table 2, available at <[www.cbo.gov/ftpdocs/96xx/doc9688/MainText.3.1.shtml](http://www.cbo.gov/ftpdocs/96xx/doc9688/MainText.3.1.shtml)>.

<sup>3</sup> Schwartz, 5.

<sup>4</sup> Peter W. Singer, "The Dark Truth About Blackwater," *Salon*, October 2, 2007, available at <[www.salon.com/news/feature/2007/10/02/blackwater/print.html](http://www.salon.com/news/feature/2007/10/02/blackwater/print.html)>.

<sup>5</sup> Dan Baum, "Nation Builders for Hire," *The New York Times*, June 22, 2003, available at <[www.informationclearinghouse.info/article3905.htm](http://www.informationclearinghouse.info/article3905.htm)>.

<sup>6</sup> "Wising up, moving out," *Jane's Defence Weekly*, July 1, 2009, 29.

<sup>7</sup> Steve Fainaru, "Private War: Convoy to Darkness," *The Washington Post*, July 29, 2007, 1.

<sup>8</sup> See <<http://icasualties.org>> and <[www.propublica.org/series/disposable-army](http://www.propublica.org/series/disposable-army)>.

<sup>9</sup> Steven L. Schooner and Colin D. Swan, "Contractors and the Ultimate Sacrifice," *Service Contractor*, September 2010, 17.

<sup>10</sup> Singer.

<sup>11</sup> Department of Labor, Office of Workers Compensation Programs, available at <[www.dol.gov/owcp/dlhwc/lsaboutdbareports.htm](http://www.dol.gov/owcp/dlhwc/lsaboutdbareports.htm)>.

<sup>12</sup> David Isenberg, *Private Military Contractors and U.S. Grand Strategy* (Oslo, Norway: International Peace Research Institute, January 2009), 5.

<sup>13</sup> Jennifer K. Elsea, Moshe Schwartz, and Kennon H. Nakamura, *Private Security Contractors in Iraq: Background, Legal Status, and Other Issues* (Washington, DC: Congressional Research Service, updated August 25, 2008), 49.

<sup>14</sup> David H. Petraeus, "COMISAF's Counterinsurgency (COIN) Contracting Guidance," Kabul, Afghanistan, September 8, 2010.

<sup>15</sup> Author's experience while serving on Coalition Military Assistance Training Team in Iraq during early 2004.

<sup>16</sup> Elsea, Schwartz, and Nakamura, 15–31.

<sup>17</sup> There are a limited number of cases where armed contractor action can increase the legitimacy of a government—for instance, protecting a hospital or refugee camp. However, even in these benign cases, the presence of contractors shows the government cannot protect its people and opens the door for any business or association to hire its own armed guards—in essence a private militia.

<sup>18</sup> Elsea, Schwartz, and Nakamura, 13–14.

<sup>19</sup> Afghans identify themselves by *qawm*, rather than by tribe or nationality. A *qawm* identity is based on kinship, residence, and sometimes occupation. Although *qawm* is sometimes translated into English as *tribe*, the *qawm* relationship may cross tribal or even ethnic boundaries. The *qawm* is the basic unit of social community in Afghanistan, but the relationships involved can vary from ethnic group to ethnic group.

<sup>20</sup> Dexter Filkins, "With U.S. Aid, Warlord Builds Afghan Empire," *The New York Times*, June 6, 2010, available at <[www.nytimes.com/2010/06/06/world/asia/06warlords.html](http://www.nytimes.com/2010/06/06/world/asia/06warlords.html)>.

<sup>21</sup> Nicholas Pelham, "Contractors in Iraq Accused of Importing Labor and Exporting Profit," *Financial Times*, October 14, 2003, available at <[www.commondreams.org/headlines03/1014-01.htm](http://www.commondreams.org/headlines03/1014-01.htm)>.

<sup>22</sup> Matt Waldman, "Falling Short: Aid Effectiveness in Afghanistan," available at <[www.acbar.org/ACBAR%20Publications/ACBAR%20Aid%20Effectiveness%20\(25%20Mar%2008\).pdf](http://www.acbar.org/ACBAR%20Publications/ACBAR%20Aid%20Effectiveness%20(25%20Mar%2008).pdf)>.

<sup>23</sup> Roya Wolverson, "Not So Helpful," *Newsweek*, November 24, 2007, available at <[www.newsweek.com/id/72068](http://www.newsweek.com/id/72068)>.

<sup>24</sup> Carl Forsberg and Kimberly Kagan, "Consolidating Private Security Companies in South Afghanistan," Institute for the Study of War, May 28, 2010, accessed at <[www.understandingwar.org/files/BackgroundunderPSC.pdf](http://www.understandingwar.org/files/BackgroundunderPSC.pdf)>.

<sup>25</sup> "Afghan-Cda Security Firms," The Canadian Press-Broadcast Wire, January 25, 2010, document BNW0000020100126e61p00011.

<sup>26</sup> Major General Nick Carter's Defense Department briefing via teleconference from Afghanistan, May 26, 2010.

<sup>27</sup> "Afghan Leader to Ban Security Contractors," August 16, 2010, available at <[www.cbsnews.com/stories/2010/08/16/world/main6776999.shtml](http://www.cbsnews.com/stories/2010/08/16/world/main6776999.shtml)>.

<sup>28</sup> Pratap Chatterjee, "DynCorp Oversight in Afghanistan Faulted," available at <[www.ipsnews.net/news.asp?idnews=50477](http://www.ipsnews.net/news.asp?idnews=50477)>.

<sup>29</sup> Government Accountability Office Press Summary, "Decision on Bid Protest by DynCorp International Regarding U.S. Army Contracts in Afghanistan," available at <[www.gao.gov/press/dyncorp\\_2010mar15.html](http://www.gao.gov/press/dyncorp_2010mar15.html)>.

<sup>30</sup> The Commission on Wartime Contracting in Iraq and Afghanistan, available at <[www.wartimecontracting.gov](http://www.wartimecontracting.gov)>.

<sup>31</sup> Ibid., "At What Cost? Contingency Contracting in Iraq and Afghanistan," June 2009, available at <[www.wartimecontracting.gov/docs/CWC\\_Interim\\_Report\\_At\\_What\\_Cost\\_06-10-09.pdf](http://www.wartimecontracting.gov/docs/CWC_Interim_Report_At_What_Cost_06-10-09.pdf)>.

<sup>32</sup> Middle East Media Research Institute, "Bin Laden Lieutenant Admits to September 11 and Explains Al-Qa'ida's Combat Doctrine," February 20, 2002, available at <[www.memri.org/report/en/0/0/0/0/0/607.htm](http://www.memri.org/report/en/0/0/0/0/0/607.htm)>.

<sup>33</sup> Field Manual 3–24/Marine Corps Warfighting Publication 3.33–5, *Counterinsurgency* (Washington, DC: Headquarters Department of the Army, December 2006), 1–1.

<sup>34</sup> William Matthews, "U.S. Contractor Use in Iraq Expected to Rise," *Defense News*, July 12, 2010, available at <[www.defensenews.com/story.php?id=4704826](http://www.defensenews.com/story.php?id=4704826)>.

<sup>35</sup> Defense Business Board, "Reducing Overhead and Improving Business Operations. Initial Observations," accessed at <[http://defensenewsstand.com/showdoc.asp?docid=5192010\\_may19a](http://defensenewsstand.com/showdoc.asp?docid=5192010_may19a)>.

<sup>36</sup> See *The Montreux Document* (Geneva, Switzerland: International Committee of the Red Cross, August 2009), available at <[www.icrc.org/web/eng/siteeng0.nsf/htmlall/montreux-document-170908/\\$FILE/ICRC\\_002\\_0996.pdf](http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/montreux-document-170908/$FILE/ICRC_002_0996.pdf)>.

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