

Counterproductive

**BY PETER W. SINGER**

For all the valuable roles that private military contractors are playing in Iraq, the end effect appears to have harmed, rather than helped, the counterinsurgency efforts of the U.S. mission in Iraq at both the tactical and strategic levels.

Even worse, it has created a dependency on the private marketplace that creates vulnerabilities and shows all the signs of the last downward spiral of an addiction. Iraq reveals that, when it comes to private military contractors and counterinsurgency, the U.S. military is locked in a vicious cycle. It can't win with them, but it can't go to war without them.

When the U.S. military shifted to an all-volunteer force after the Vietnam War, leaders created a series of organizational "trip wires" to preserve the link between the nation's foreign-policy decisions and its citizens. Led by then-Army Chief of Staff Gen. Creighton Abrams, they wanted to ensure that the military would not go to war without sufficient backing and involvement of the nation. Much like a call center relocated to India, this "Abrams Doctrine" has been outsourced.

The use of contractors in Iraq is unprecedented in both its size and scope. In 2007, an internal Defense Department census found almost 180,000 private contractors — from more than 30 countries — employed in Iraq (compared with 165,000 U.S. troops at the time).

The scope of contracted tasks adds to the growth in numbers. Companies run the logistics backbone of the force. Some operate food halls and move fuel and ammunition. Others help to train local forces, including the new Iraqi Army and National Police. And finally, there is the sector of firms, such as Blackwater, that perform armed roles within the battle space, guarding facilities and escorting convoys, arguably the most dangerous mission in Iraq. Although frequently described as "private security," they are a far cry from rent-a-cops at the local mall. They use military training and weaponry to carry out missions integral to the operation's success, inside the battle space, against adversaries who are combatants. In 2006, the director of the Private Security Company Association of Iraq estimated that 181 such firms were working in Iraq with "just over 48,000 employees."

The war in Iraq would not be possible without private military contractors. However, contrary to conspiracy theories, the private military industry is not the so-called "decider," plotting out wars behind the scenes like Manchurian Global. Instead, it is the enabler, allowing leaders to avoid tough policy choices.

A core problem that U.S. forces have faced in Iraq is an insufficient number of troops, but it's not as if the U.S. had no choice other than to outsource half the operation. One answer would have been to send more regular forces, beyond the original 135,000 planned. Another would have been a full call-up of the National Guard and reserves. A third would have been to persuade other nations to send more troops, sharing the burden, as in the Balkans.

Rather, it's that each of these choices was considered politically undesirable. Former Defense Secretary Donald Rumsfeld would have had to admit he was wrong and Army Gen. Eric Shinseki was right. The war's effect would have been felt deeper at home, exactly as the Abrams Doctrine intended (but the last thing leaders in the executive branch or Congress wanted), or tough compromises, such as a delay in the invasion or granting the U.N. or NATO command, would have had to be made.

By comparison, the private military industry offered additional forces without the risk of any leader's political capital. There was no outcry when contractors were mobilized and deployed — or even lost (more than 1,000 contractors have been killed in Iraq, and another 13,000 wounded). All the while, the generals could avoid their own career risks of asking for more troops. The result was the ultimate dodge. Private forces make up more than 50 percent of the overall force in

Iraq, but they have been mentioned in only one-fourth of 1 percent of all American media stories on Iraq.

### **THE PUSHERS**

Lobbyists of private military contractors like to discuss how the U.S. mission in Iraq is the best supplied military operation in history. Even Doug Brooks of the International Peace Operations Association, an industry trade group, added: “The fact that troops are going to Iraq right now and actually, in 120-degree weather, putting on weight, kind of shows we are doing too much to support.”

Brooks is correct. The operation is one of the most lavishly supported ever. It also may be one of the most inefficient. The Defense Contract Audit Agency has identified more than \$10 billion in unsupported or questionable costs from battlefield contractors. This represents \$10 billion worth of lost opportunities to truly support the mission, from jobs programs to get would-be insurgents off the streets, to up-armored vehicles for our troops.

Even if there were no lost funds, the underlying problem remains. Turning logistics and operations into a for-profit endeavor has helped feed the “Green Zone” mentality of sprawling bases, which runs counter to everything Army Gen. David Petraeus argued is necessary for winning in the new Army/Marine Corps counterinsurgency manual.

Basically, the bigger the bases contractors build and operate, the more fast-food franchises they open, the more salsa dance lessons they offer, the more money the firm makes. At the same time, it is also able to wrap itself in the flag.

### **THE HATERS**

Not that all contractors are “cowboys,” “unprofessional” or “killers,” as Blackwater and others are often described. Instead, most are highly talented ex-soldiers. However, their private “job” is different from the overall operational goals. Contractors doing convoy escorts, for example, are judged by their bosses solely on whether they get their client from point A to B, not whether they win Iraqi hearts and minds along the way.

This mentality has led to many standard operating procedures that meet the contract but clearly enrage locals. Contractors drive convoys up the wrong side of the road, ram civilian vehicles, toss smoke bombs and worse. Journalist Robert Pelton, describing his month embedded with Blackwater in Baghdad, said: “They use their machine guns like car horns.” Leading counterinsurgency expert Army Col. Peter Mansoor noted in January 2007, “if they push traffic off the roads or if they shoot up a car that looks suspicious, whatever it may be, they may be operating within their contract — to the detriment of the mission, which is to bring the people over to your side. I would much rather see basically all armed entities in a counterinsurgency operation fall under a military chain of command.”

Contractors have also been involved in a serious pattern of abuses. In 2004, up to 50 percent of the interrogators at the Abu Ghraib prison were private contractors from the CACI firm. In 2005, contractors from the Zapata firm were detained in the Fallujah area by U.S. forces, who claimed they saw the private soldiers indiscriminately firing not only at Iraqi civilians, but also at Marines. Other cases in 2006 included the Aegis “trophy video,” in which contractors posted a music video on the Internet of themselves shooting at civilians, and the alleged “joy ride” shootings of Iraqi civilians by a Triple Canopy supervisor.

As these examples show, Blackwater is not the only company accused of incidents that reverberate negatively on the efforts to win the hearts and minds of the population. However, it has earned a special reputation among Iraqis because of its own series of events, including on Christmas Eve 2006, when a Blackwater employee allegedly got drunk inside the Green Zone in Baghdad and shot dead the guard of the Iraqi vice president.

In none of these incidents has any contractor been charged, prosecuted or punished. As a result, officers frequently expressed their frustrations about sharing the battlefield with private forces. In 2005, Brig. Gen. Karl Horst, deputy commander of the 3rd Infantry Division, tried to keep track of contractor shootings in his Baghdad sector. Over a two-month period, he found 12 shootings that resulted in at least six Iraqi civilian deaths.

“These guys run loose in this country and do stupid stuff,” Horst said at the time. “There’s no authority over them, so you can’t come down on them hard when they escalate force. They shoot people, and someone else has to deal with the aftermath.”

### **THE BLAME GAME**

This “someone else” stuck with the negative effects is the counterinsurgency effort. Several weeks before the Sept. 16 Blackwater incident in Baghdad, where at least 14 Iraqi civilians may have been killed, an Iraqi official explained how contractors’ actions were reverberating upon U.S. military forces: “They are part of the reason for all the hatred that is directed at Americans, because people don’t know them as Blackwater, they know them only as Americans. They are planting hatred because of these irresponsible acts.” [Editor’s note: on Oct. 9, private security guards with Unity Resources Group, an Australian-run, Dubai-headquartered firm, shot and killed two women in a vehicle in downtown Baghdad.]

Iraq is just one theater within a larger effort against extremist forces, in which the “war of ideas” is the critical battleground. Unfortunately, again, contractors have proved to be a drag on efforts to explain and justify the already highly unpopular U.S. effort in Iraq. The Blackwater episode resonated negatively beyond Iraq throughout the Muslim world, focusing on how the U.S. could hire such “arrogant, trigger-happy guns for hire, mercenaries by any other name,” as UAE-based Gulf News put it. The newspaper’s leading columnist even compared the use of the firm to al-Qaida.

Equally telling is how the contractor responded. At a time when America’s image was getting pummeled because of its employees’ actions, Blackwater shut down its Web site and declined all interviews.

Although private military firms are now integral to the military operation, they tend to fall through the cracks of legal codes. Private military contractors are not exactly civilians, given that they often carry and use weapons, interrogate prisoners, load bombs and fulfill other critical military roles. Yet, they are not quite soldiers, either, as they are not part of the service or in the chain of command, and may not even be of the same nationality. A number of laws might be applied to them, ranging from local laws to extraterritorial civilian law (the Military Extraterritorial Jurisdiction Act), to the Uniform Code of Military Justice (with the scope of civilians falling under the jurisdiction of military law expanded from only declared war to contingency operations in fall 2006). The reality is that these laws are almost never used.

Within Iraq, this legal problem was further complicated by the Coalition Provisional Authority’s Order 17, which effectively gives foreign contractors immunity from local law. Although the legal standing of this order, issued two days before CPA’s folding, is questionable, the interpretation of it held. Not one contractor has been prosecuted or convicted for any crime involving an Iraqi victim or any kind of conduct in the battle space.

Not only did this vacuum help impel contractors toward more aggressive actions, but it also completely invalidated American political advisers’ efforts to convince their Iraqi counterparts of the necessity of rule of law as a way of ending the insurgency. “The Iraqis despised them, because they were untouchable,” said Matthew Degn, former senior American adviser to the Interior Ministry. “They were above the law.”

Insurgencies are battles of credibility, with a focus on building up the local government’s standing and capacity to monopolize violence within its borders. The presence of a massive

contracting force, outside the rule of law, shows the local populace the exact opposite. They affront and simultaneously undermine the regime in the eyes of locals.

Notable in this discussion of double standards is that nothing has been said of how it affects the U.S. soldiers fighting the insurgency. Soldiers who serve alongside contractors are paid less to serve in the same battle space while being held to higher standards, which cannot be described as a boon to morale.

### **UNANTICIPATED EFFECTS**

As Gen. Helmuth von Moltke famously said, “No plan survives first contact with the enemy.” In developing a counterinsurgency strategy, it is expected that the enemy will react, and the plan will have to be adjusted. What is not expected is for a third force to cause the strategy to be jettisoned, before it even has a chance to succeed.

“This is a nightmare,” a senior U.S. military official said of the recent Blackwater shootings in Baghdad. “We had guys who saw the aftermath, and it was very bad. This is going to hurt us badly. It may be worse than Abu Ghraib, and it comes at a time when we’re trying to have an impact for the long term.”

These sorts of unanticipated effects are affecting our current strategy for winning in Iraq. The week before the Blackwater shootings, Petraeus and U.S. Ambassador Ryan Crocker delivered their “surge” assessment to Congress. There was debate as to whether the benchmarks on the security end were being met, but there was general agreement that the Iraqis were falling behind on the political benchmarks. All concurred that the Iraqi government would have to be forced into action if the strategy was going to succeed.

Then, the Blackwater shootings happened and U.S. government officials went from pressuring Nouri al-Maliki’s government to scrambling to repair the relationship. Within hours, Secretary of State Condoleezza Rice had called the Iraqi prime minister, not to press him on key political benchmarks such as passing an Iraqi oil law or solving amnesty issues, but to express her regrets. When President Bush next met with al-Maliki, at the top of his agenda was not how to get the Iraqi government to act on sectarian violence. Instead, it was Blackwater.

Although contractors have performed the missions asked of them, it does not appear that the massive outsourcing of military efforts has been a great boon to the counterinsurgency effort.

As the U.S. government now, finally, debates the private military contracting issue, albeit almost a decade too late, it must move beyond the obvious focus on shoring up accounting, oversight and even legal accountability. We need to go back to the drawing board on the use of private military contractors, especially within counterinsurgency and contingency operations, where a so-called “permissive” environment is unlikely. That U.S. civilian diplomatic, reconstruction and intelligence operations in Iraq shut down after the Blackwater suspension illustrates both the inherently governmental importance of these missions and the massive vulnerability we have created.

If the emperor has no clothes, the solution is not to ask him to put on a scarf. A process must begin to roll inherently governmental functions back into government hands. These functions include armed assignments in the battle space, including security of U.S. government officials, convoys and other valuable assets. Counterinsurgencies and other contingency operations have no front lines, and it is time to recognize this. In Iraq and future operations, the Defense Department’s “supporting” function to civilian agencies does not include merely stepping aside for a private contractor force. As U.S. Central Command commander Adm. William Fallon notes, contractors shouldn’t be seen as a “surrogate army” of the State Department or any other agency whose workers they protect. “My instinct is that it’s easier and better if they were in uniform and were working for me.”

Our “public by public” policy need not be inflexible. Many contractor functions are not inherently governmental and returning those that are to U.S. military and government personnel will take time, reassignment of personnel and amendments to existing contracts. Additionally, as one former Pentagon official noted, it must recognize, “There are always going to be exceptions to the rule. ... But those need to be only for extraordinary, exceptional and temporary (I stress again — temporary) situations.”

Many of those vested in the system will try to persuade us to ignore this cycle. They will describe such evident patterns of incidents as “mere anomalies,” portray private firms outside the chain of command as somehow “part of the total force,” or claim that “We have no other choice.” Only an open and honest intervention, a step back from the precipice of over-outsourcing, can break us out of the vicious cycle into which we have locked our security.

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