

SOLDIERS OF MISFORTUNE?

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Private contractors have become an essential but highly problematic element in the U.S. military's total force structure. The Army in particular relies heavily on contractors to perform duties that free up Soldiers for combat roles. The vast majority of these civilian employees provide logistical and technical support. They build facilities, do laundry, and staff dining halls on U.S. bases at home and abroad. While some of these contractors have been involved in issues of waste, fraud, and abuse, these issues do not have a significant effect on the conduct of contingency operations, especially counterinsurgency (COIN) campaigns.

The same cannot be said of a small subset of military contractors known as Private Military Security Contractors (PMSCs). PMSCs provide armed security personnel to support contingency operations abroad. They provide heavily armed personal security details for the Department of Defense (DoD), the Department of State (DoS), the U.S. Agency for International Development (USAID), construction contractors, non-governmental and international organizations (NGOs and IOs), and even private individuals. They also supply static security guards for bases and other facilities and escort supply convoys in conflict zones. These activities have embroiled them in escalation-of-force and other incidents that have undermined mission goals and objectives. Reining in security contractors thus presents a major challenge for the U.S. Government in general and the Army in particular.

This monograph examines the role of PMSCs in Iraq and Afghanistan in order to derive general lessons on employment of security contractors in

future contingency operations, particularly COIN campaigns. Three broad questions underlie this analysis. First, what tasks can be safely outsourced to private companies? Second, how should the government manage contractors in conflict zones? Closely related to the issue of oversight is the third analytical question: Under what laws should PMSCs be held legally accountable for their actions? Based on these questions, the author identifies areas in which armed contractors seem to create the most problems. Convoy escorts and personal security details have frequently become involved in escalation-of-force incidents. He also raises serious concerns about employment of security guards from the local population and discusses the several legal frameworks under which all civilian security contractors might fall.

Based upon analysis of the two campaigns using the three analytical questions, the author identifies important lessons and makes specific recommendations based upon these lessons. First, contractor roles and tasks should be assigned based not upon whether their duties would be inherently governmental (the current standard for restricting such activities to Soldiers), but upon whether those duties are likely to bring them into violent contact with local people. Second, at the very least, legal accountability should be written into the PMSC contract, and, at best, Congress should pass laws specifically governing the behavior of armed contractors. Third, interagency cooperation among all those employing PMSC personnel must be strengthened. Fourth, oversight of contractors must be improved. Fifth, employment of

locals by government contractors should be restricted to nonsecurity activities, especially in environments in which those employees might have divided loyalties. Sixth, the DoD should consider the degree to which outsourcing logistics activities increases an expeditionary force's footprint and thus its need for security personnel. Seventh, Congress should take action to prevent use by the executive branch of security contracts as "workarounds," a means to conduct controversial activities without answering to the legislative branch. The monograph concludes with discussion of the implications these recommendations have for U.S. Landpower development.

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