PMCs Bad

[PMCs Bad 1](#_Toc267761955)

[PMCs Bad F/L [1/3] 2](#_Toc267761956)

[PMCs Bad F/L [2/3] 3](#_Toc267761957)

[PMCs Bad F/L [3/3] 4](#_Toc267761958)

[Terrorism Funding Extension 5](#_Toc267761959)

[PMCs Bad – Hostility Ext 6](#_Toc267761960)

[PMCs Growing in Number 7](#_Toc267761961)

[Solvency – Restrictions Key [1/2] 8](#_Toc267761962)

[Solvency – Restrictions Key [2/2] 9](#_Toc267761963)

PMCs Bad F/L [1/3]

1. Private Contractors are ineffective – Law breaking

**Isenberg, ’10**

[David Isenberg, Military Analyst for the Cato Institute**,** "Private Military Contractors as Buzz Lightyear: To Afghanistan and Beyond." The Cato Institute. March 11, 2010. 15 Jul 2010 <http://www.cato.org/pub\_display.php?pub\_id=11441]

While the role and impact of private military and security contractors in Iraq is hardly a spent issue, increasingly, eyes and attention are turning to Afghanistan. This is hardly surprising. The Obama Administration's surge strategy inevitably means more US and NATO member troops, which, in turn, means more bases needing to be built, more facilities to be managed, and more people to guard them, as well as the convoys that bring in supplies by truck. Remember that the 30,000 extra US troops being deployed to Afghanistan could be accompanied by up to 56,000 additional contractor personnel. These contractors are involved in Base Support, Construction, Translator/Interpreter, Security, Transportation, and Communications Support functions. A January 19 report by the Congressional Research Service states: In Afghanistan, there are currently 52 PSCs licensed to operate in Afghanistan with some 25,000 registered security contractors. PSCs operating in Afghanistan are limited to 500 employees and can only exceed 500 with permission from the Cabinet. Because of the legal restrictions placed on security companies in Afghanistan, a number of PSCs are operating without a license or are exceeding the legal limit, including security contractors working for NATO and the U.S. Government. Many analysts believe that regulations governing PSCs are only enforced in Kabul; outside Kabul there is no government reach at present and local governors, chiefs of police, and politicians run their own illegal PSCs. Estimates of the total number of security contractors in Afghanistan, including those that are not licensed, are as high as 70,000. The majority of these PSCs do not work for the U.S. government. Responding to the concerns over the use of PSCs in Afghanistan, in November 2009, President Karzai stated a goal of closing down all PSCs in two years**.** From the viewpoint of ensuring accountability over contractors this is obviously not the best of all possible worlds. But it may be of some small comfort, at least to Western firms, that local, Afghan owned and operated, private contractors may be the ones most likely to run afoul of the law. Still, some U.S. firms have already created their own controversies. Just last week US Defense Secretary, Robert Gates, said he will review allegations of misconduct in Afghanistan by the firm formerly known as Blackwater. The company is mired in allegations that it has previously misappropriated government weapons and hired people with violent backgrounds. But in the meantime it is still getting contracts. Just yesterday the Pentagon announced that Xe subsidiary Presidential Airways, Inc. was awarded a $39,084,532 task order for rotary wing aircraft, to perform passenger and cargo air transportation services in Afghanistan, to be completed by Nov. 30, 2010. And despite the recent Senate Armed Services Committee hearing into various misdeeds committed by contractors working for Paravant, a Xe Service subsidiary or shell company, depending on how you look at it, that was working for Raytheon Technical Services, Xe may well win later this month a new Pentagon contract that could be worth as much as a billion dollars to train the Afghan police. Although how that could happen given Xe/Blackwater's history remains a mystery. Spencer Ackerman at the *Washington Independent* notes that the military command responsible for training Afghan security forces said that good-government contract rules prevent them from banning Blackwater**.** Specifically, an obscure contracting rule known as Federal Acquisition Regulation 9.406-2 prevents an acquisition official for banning a company from being awarded a contract unless the company has been formally "debarred" from eligibility - something that has never happened in Blackwater's case. However, several criteria for debarment appear to apply to Blackwater, including "commission of fraud," "theft," "falsification or destruction of records, making false statements," "a history of failure to perform, or of unsatisfactory performance of, one or more contracts," and "violations of the Drug-Free Workplace Act of 1988."

PMCs Bad F/L [2/3]

2. Abuses done by security contractors escalate anti-American sentiments and prevent the U.S. winning its Hearts and Minds campaign

**Schwartz, ’10**

[Moshe, Specialist in Defense Acquisition, January 19, 10 “The Department of Defense’s Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress,” <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA513870>]

According to the Army Field Manual on counterinsurgency, one of the fundamental tenets of counterinsurgency operations—such as those undertaken in Iraq and Afghanistan—is to establish and maintain security while simultaneously winning the hearts and minds of the local population. Abuses by security forces, according to the manual, can be a major escalating factor in insurgencies.39Abuses committed by contractors, including contractors working for other U.S. agencies, can also strengthen anti-American insurgents.40 There have been published reports of local nationals being abused and mistreated by DOD contractors in such incidents as the summary shooting by a private security contractor of an Afghan who was handcuffed,41 the shooting of Iraqi civilians,42 and the abuse of prisoners at Abu Ghraib prison in Iraq.43 (It should be noted that there have also been reports of military personnel abusing and otherwise mistreating local nationals, including the abuses that took place at Abu Ghraib prison.44 CRS has not conducted an analysis to determine whether the incidence of abuses is higher among contractors than it is among military personnel.)

3. Private Security companies fund the Taliban and cripple the U.S. Economy

Filkins, ’10

[Foreign Correspondent for the New York Times, June 6, 2010, [Dexter, “Rule of The Gun Convoy Guards in Afghanistan Face an Inquiry”, <http://www.nytimes.com/2010/06/07/world/asia/07convoys.html?pagewanted=1&_r=1>]

Afghanistan — For months, reports have abounded here that the Afghan mercenaries who escort American and other [**NATO**](http://topics.nytimes.com/top/reference/timestopics/organizations/n/north_atlantic_treaty_organization/index.html?inline=nyt-org) convoys through the badlands have been bribing [**Taliban**](http://topics.nytimes.com/top/reference/timestopics/organizations/t/taliban/index.html?inline=nyt-org) insurgents to let them pass. Then came a series of events last month that suggested all-out collusion with the insurgents. After a pair of bloody confrontations with Afghan civilians, two of the biggest private security companies — Watan Risk Management and Compass Security — were banned from escorting NATO convoys on the highway between Kabul and Kandahar. The ban took effect on May 14. At 10:30 a.m. that day, a NATO supply convoy rolling through the area came under attack. An Afghan driver and a soldier were killed, and a truck was overturned and burned. Within two weeks, with more than 1,000 trucks sitting stalled on the highway, the Afghan government granted Watan and Compass permission to resume. Watan’s president, Rashid Popal, strongly denied any suggestion that his men either colluded with insurgents or orchestrated attacks to emphasize the need for their services. Executives with Compass Security did not respond to questions. But the episode, and others like it, has raised the suspicions of investigators here and in Washington, who are trying to track the tens of millions in taxpayer dollars paid to private security companies to move supplies to American and other NATO bases. Although the investigation is not complete, the officials suspect that at least some of these security companies — many of which have ties to top Afghan officials — are using American money to bribe the Taliban. The officials suspect that the security companies may also engage in fake fighting to increase the sense of risk on the roads, and that they may sometimes stage attacks against competitors. The suspicions raise fundamental questions about the conduct of operations here, since the convoys, and the supplies they deliver, are the lifeblood of the war effort. “We’re funding both sides of the war,” a NATO official in Kabul said. The official, who spoke on the condition of anonymity because the investigation was incomplete, said he believed millions of dollars were making their way to the Taliban. The investigation is complicated by, among other things, the fact that some of the private security companies are owned by relatives of President [**Hamid Karzai**](http://topics.nytimes.com/top/reference/timestopics/people/k/hamid_karzai/index.html?inline=nyt-per) and other senior Afghan officials**.** Mr. Popal, for instance, is a cousin of Mr. Karzai, and Western officials say that Watan Risk Management’s largest shareholder is Mr. Karzai’s brother Qayum. The principal goal of the American-led campaign here is to prepare an Afghan state and army to fightthe Taliban themselves. The possibility of collusion between the Taliban and Afghan officials suggests that, rather than fighting each another, the two Afghan sides may often cooperate under the noses of their wealthy benefactors. “People think the insurgency and the government are separate, and that is just not always the case,” another NATO official in Kabul said. “What we are finding is that they are often bound up together.” The security companies, which appear to operate under little supervision, have sometimes wreaked havoc on Afghan civilians. Some of the private security companies have been known to attack villages on routes where convoys have come under fire, Western officials here say. Records show there are 52 government-registered security companies, with 24,000 gunmen, most of them Afghans. But many, if not most, of the security companies are not registered at all, do not advertise themselves and do not necessarily restrain their gunmen with training or rules of engagement. Some appear to be little more than gangs with guns. In the city of Kandahar alone, at least 23 armed groups — ostensibly

PMCs Bad F/L [3/3]

security companies not registered with the government — are operating under virtually no government control, Western and Afghan officials said. On Kandahar’s chaotic streets, armed men can often be seen roaming about without any uniforms or identification. “There are thousands of people that have been paid by both civilian and military organizations to escort their convoys, and they all pose a problem,” said Hanif Atmar, the Afghan interior minister. (Mr. Atmar resigned under pressure from President Karzai on Sunday.) “The Afghan people are not ready to accept the private companies’ providing public security.”

4. PMC outsourcing put us on the verge of breakdown.

Singer, ’07

[Peter Singer, Senior Fellow and Director of the 21st Century Defense Initiative at the Brookings Institution. **,** September 2007, “Can’t Win With ‘Em, Can’t Go To War Without ‘Em: Private Military Contractors and Counterinsurgency”, <http://www.brookings.edu/~/media/Files/rc/papers/2007/0927militarycontractors/0927militarycontractors.pdf>]

At the same time, the use of contractors appears to be hampering efforts to actually win the counterinsurgency campaign on multiple levels. Many of those vested in the system, both public and private leaders, will try to convince us to ignore this cycle. They will describe such evident pattern 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.” These are the denials of pushers, enablers, and addicts. Our military outsourcing has become an addiction that is quickly spiraling to a breakdown. 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 national security. Will our leaders have the will to just say no?

5. Private contractor misconduct fuels instability and undermines the local government

**Schwartz, ’10**

[Moshe, Specialist in Defense Acquisition, January 19, 10 “The Department of Defense’s Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress,” <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA513870>]

According to many analysts, these events have in fact undermined the U.S. mission in Iraq and Afghanistan.48 An Iraqi Interior Ministry official, discussing the behavior of private security contractors, said “Iraqis do not know them as Blackwater or other PSCs but only as Americans.”49 One senior military officer reportedly stated that the actions of armed PSCs “can turn an entire district against us.”50 Some analysts also contend that PSCs can be a direct threat to the legitimacy of the local government. These analysts argue that if counterinsurgency operations are a competition for legitimacy but the government is allowing armed contractors to operate in the country without the contractors being held accountable for their actions, then the government itself can be viewed as not legitimate in the eyes of the local population. These analysts point to the recent court decision dismissing the case against former Blackwater employees as a case in point where the legitimacy of the U.S. and local government is being undermined by the actions of PSCs.51 The perception that DOD and other government agencies are deploying PSCs who abuse and mistreat people can fan anti-American sentiment and strengthen insurgents, even when no abuses are taking place. There have been reports of an anti-American campaign in Pakistan, where stories are circulating of U.S. private security contractors running amok and armed Americans harassing and terrifying residents.52 U.S. efforts can also be undermined when DOD has ties with groups that kill civilians or government officials, even if the perpetrators were not working for DOD when the killings took place. In June 2009, the provincial police chief of Kandahar, Afghanistan, was killed by a group that worked as a private security contractor for DOD.53

Terrorism Funding Extension

**The Private Security Companies Have ties to the Taliban**

Filkins, ’10

[Dexter, Foreign Correspondent for the New York Times, “Rule of The Gun Convoy Guards in Afghanistan Face an Inquiry”, June 6th 2010m <http://www.nytimes.com/2010/06/07/world/asia/07convoys.html?pagewanted=1&_r=1>]

The security companies’ methods are sometimes unorthodox. While at least some of the companies are believed to be bribing Taliban fighters, many have also been known to act with extreme harshness toward villagers or insurgents who have tried to interfere with their convoys. One of the more notorious commanders of a private security outfit is an Afghan named Ruhullah, who, like many Afghans, goes by one name. Mr. Ruhullah controls a company called Commando Security, which escorts convoys between Kandahar and Helmand Province to the west. While he is suspected of striking deals with some Taliban fighters, Mr. Ruhullah is known to have dealt brutally with those — civilians or insurgents — who have impeded the flow of his trucks. “He’s laid waste to entire villages,” said an official at the Interior Ministry who spoke on the condition of anonymity. Many of the private security companies, including the one owned by Mr. Ruhullah, appear to be under the influence of [Ahmed Wali Karzai](http://topics.nytimes.com/top/reference/timestopics/people/k/ahmed_wali_karzai/index.html?inline=nyt-per), a brother of President Karzai and the chairman of the Kandahar Provincial Council. Though nominally an American ally, Ahmed Wali Karzai has surfaced in numerous intelligence and law enforcement reports connecting him to Afghanistan’s booming opium trade. He did not respond to questions for this article, but he has denied any involvement in Afghanistan’s narcotics trade. The NATO official, speaking on the condition of anonymity, said the Popals, the nominal owners of Watan Risk Management, cooperate with Ahmed Wali Karzai and Mr. Ruhullah. “They are very, very close,” he said. Mr. Popal, in his interview, said he had no contact with anyone in President Karzai’s immediate family. “This is just politics,” he said of the accusations made against him. American and Afghan officials said that Ahmed Wali Karzai was moving rapidly to bring the 23 unregistered security companies in Kandahar under his own control. With the government’s support, Ahmed Wali Karzai, together with Mr. Ruhullah, plan to form an umbrella company, called the Kandahar Security Force, that will broker business for the various individual companies, a senior NATO official said. “He wants a cut off every contract,” the NATO official in Kabul said. At least two groups of American investigators are focusing on potential bribes to the Taliban: the House national security subcommittee, whose chairman is Representative John F. Tierney, a Democrat from Massachusetts; and another group working for NATO in Kabul. While the practice of buying off the enemy may seem extraordinary, it is neither unusual here nor unprecedented. Many Afghans, even those in the government, have relatives, even brothers and sons, in the Taliban. Western officials believe that Afghan officials have paid bribes to the Taliban before — for instance, so that they will refrain from attacking the transmission towers that make up the country’s cellphone network. Officials familiar with the investigations say that most, if not all, of the security companies actually do fight the Taliban. The evidence, they say, suggests that the Afghan security companies sometimes make deals with insurgents when they feel they have to — that is, where the Taliban are too strong to be defeated. “The rule seems to be, if the attack is small, then crush it,” the Interior Ministry official said. “But if the presence of Taliban is too big to crush, then make a deal.” Mr. Popal, the Watan executive, said that his security teams regularly fought the Taliban, and died doing so. Last year, he said, his company lost 250 men. “We fight the Taliban,” Mr. Popal said. Exact casualty figures are difficult to come by, because statistics are kept only for the Host Nation Trucking contract. American officials in Kabul say 27 security contractors were killed between April 2009 and May 2010, and 38 were wounded. Investigators say they are having a hard time putting a dollar figure on the amount the Taliban may be receiving, in part because the trucking companies are not required to report what they pay for security. Trucking contractors pay security companies, which sometimes award subcontractors to other companies, which sometimes do the same. “I can’t tell you about the sub to the sub to the sub,” the senior NATO official said, speaking on the condition of anonymity. As a result, much about the relationships between the security companies and the Taliban is shrouded in mystery. Afghan and NATO officials say that anecdotal evidence suggests that in order to keep their trucks moving — and to keep up their business — some companies may sometimes pay Taliban fighters not to attack, to sometimes mount attacks on competitors, or, as is suspected in the case in Maidan Shahr, to attack NATO forces. “It would be my expectation that people might create their own demand,” said [Maj. Gen. Nick Carter](http://www.nato.int/isaf/structure/bio/rc_s/carter.html), the commander of NATO forces in southern Afghanistan. “It is essential that these highways move freely without extortion and racketeering.” Officials say that they are not certain what happened last month in Maidan Shahr, but that some of the circumstances surrounding the case points to the possibility of some sort of collusion with insurgents or criminals. Mohammed Halim Fedai, the governor of Wardak Province and the official who pushed for the ban on Watan and Compass, said he was not sure what happened either. But he noted that Watan Risk Management came under attack far less frequently than the other security companies did. “Maybe they are just stronger, so the Taliban are afraid of them,” he said.

PMCs Bad – Hostility Ext

**Increased amounts of Private Military Contractors cause hostility against the United States due to misconduct.**

Jordan, ’09

[Craig S. Jordan, Student at New England School of Law ,35 N.E. J. on Crim. & Civ. Con. “Who Will Guard the Accountability of Private Military Contractors in Areas of Armed Conflict” 309]

The wars in Iraq and Afghanistan, as well as the "War on Terror," have marked a significant departure from the methods adhered to in traditional  [\*310]  U.S. combat operations. **[n7](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n7)** One of the most drastic changes is the use and role of private military contractors (PMCs). [n8](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n8) Currently, there are thousands of **PMCs** operating in Iraq, many of whom are engaged in activities traditionally reserved to the U.S. Armed Forces. [n9](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n9) A gap in the laws of armed conflict has allowed PMCs to operate free from any true measure of criminal liability. [n10](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n10) Recent allegations of criminal misconduct by private military contractors have highlighted this lack of accountability. [n11](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n11) There are three important reasons for the need to address the accountability of **PMCs**. First is the integrity of the U.S. Armed Forces in war zones or contingency operations. **[n12](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n12)** The failure to investigate or prosecute wrongdoings by persons acting on behalf of, or in conjunction with, U.S. military operations can have an adverse effect on U.S. relations with the host country and create a more hostile environment, thus making military campaigns more difficult to sustain. [n13](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n13) Second, though many PMCs have military experience, [n14](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n14) the overall lack of military training and discipline provided by private military contracting companies suggests an increased likelihood of **PMC** misconduct in war or contingency operations. [n15](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n15) The third reason is to ensure that companies involved in combat and contingency operations are complying with appropriate rules of  [\*311]  armed conduct. [n16](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n16) As the use of force is traditionally a state action delegated to formal militaries, the use of private forces to conduct such operations should be subject to a higher level of scrutiny. [n17](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n17) Higher scrutiny is necessary to preserve civil-military relationships, as well as to deter human-rights violations and other crimes that may occur in war zones. [n18](http://www.lexisnexis.com/us/lnacademic/frame.do?reloadEntirePage=true&rand=1279046205675&returnToKey=20_T9735917073&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.8223.4750947624" \l "n18) Abraham Lincoln's law-of-war advisor, Francis Lieber, asserted that strict enforcement of the rules of war is essential to maintain the "discipline and morale of America's Armed Forces and [to] uphold our nation's reputation."

PMCs Growing in Number

The number of Private Military Contractors in Afghanistan is high, and rising.

**Lendman, ’10**

[Stephan, Research Associate of the Centre for Research on Globalization, January 19, 2010, “Outsourcing War: The Rise of Private Military Contractors (PMCs)”, http://www.thepeoplesvoice.org/TPV3/Voices.php/2010/01/19/outsourcing-war-the-rise-of-private-mili,July 16th 2010]

According to a September 21, 2009 Congressional Research Service (CRS) Report, as of June 2009, PMCs in Afghanistan numbered 73,968, and a later year end 2009 US Central Command figure is over 104,000 and rising. The expense is enormous and growing with CRS reporting that supporting each soldier costs $1 million annually, in large part because of rampant waste, fraud and abuse, unmonitored and unchecked. With America heading for 100,000 troops on the ground and more likely coming, $100 billion will be spent annually supporting them, then more billions as new forces arrive, and the Iraq amount is even greater - much, or perhaps most, from supplemental funding for both theaters on top of America's largest ever military budget at a time the country has no enemies except for ones it makes by invading and occupying other countries and waging global proxy wars.

Solvency – Restrictions Key [1/2]

Restrictions key to prevent misconduct and win the hearts and minds of the people.

**Schwartz, ’10**

[Specialist in Defense Acquisition**,** January 19, 2010[Moshe, The Department of Defense’s Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress, <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA513870>]

**Analysts calling for restrictions on the use of PSCs generally believe that contractors are more likely to commit abuses or other atrocities than military personnel.** Some analysts believe that the culture of the military, which is focused on mission success and not on profit or contractual considerations, makes it less likely that uniformed personnel will behave inappropriately. Some analysts and DOD officials believe that lax contractor oversight has significantly contributed to contractor abuses.56 This sentiment was echoed by then Senator Barack Obama, who stated **“we cannot win a fight for hearts and minds when we outsource critical missions to unaccountable contractors.”**57 **According to these analysts, improved oversight and accountability could mitigate the negative effects that the use of PSCs and other contractors has had on U.S. efforts in Iraq and Afghanistan, and could potentially bring the standard of behavior of PSCs on par with that of uniformed personnel.**

**Restrict PSCs to static security, with an exception for local nationals.**

**Schwartz, ’10**

[Specialist in Defense Acquisition**,** January 19, 2010[Moshe, The Department of Defense’s Use of Private Security Contractors in Iraq and Afghanistan: Background, Analysis, and Options for Congress, <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA513870>]

Allowing local national contractors to participate in convoy and personal security would minimize the impact of such a restriction on military forces. Proponents argue that reserving an exception for local nationals gives the military more flexibility in using PSCs without adding significant risk. As discussed above, using local national contractors is an important element in DOD’s counterinsurgency strategy. Local nationals understand the language and are subject to local jurisdiction. Few of the high-profile incidents between PSCs and local citizens involved local national security contractors who were working for the U.S. government. Opponents of this approach will still argue that such a restriction leaves DOD with insufficient forces to accomplish its mission in Iraq and Afghanistan, and that it limits the flexibility that allows DOD to mobilize and demobilize defensive security forces that can be tailored for specific situations in a highly fluid environment. Such a restriction could also hamper DOD in future military operations, particularly in the early days of a conflict when events are particularly fluid and the need to rapidly deploy security personnel could be acute. To address this last issue, Congress could empower a Combatant Commander to waive this restriction in initial phases of an operation, for a period not to exceed one year.

**Regulations are necessary to increase accountability and government oversight.**

**Jones,** ’08

[Oliver Jones, Professor @ University of Oxford, 2008. "IMPLAUSIBLE DENIABILITY: STATE RESPONSIBILITY FOR THE ACTS OF PRIVATE MILITARY FIRMS" The Selected Works of Oliver Jones. Available at: http://works.bepress.com/oliver\_jones/2]

The need to PMF regulation, then, is driven by two interconnection concerns:**71** (1) PMFs and their employees do not exist within established legal structures to maintain discipline and respect for human rights (individual accountability); and (2) PMF actions are not subject to public oversight (public accountability). PMFs operate in an environment that is defined by violence. Their very existence relies on conflict. However, while they share the field with military personnel, PMF employees are not subject to the same accountability and discipline mechanisms as their counterparts in the armed forces.72 Military personnel exist within established legal structures, such as the court martial system, and must obey the military code of justice from their State of origin.73 However individual contractors and members of PMFs that have been hired by states are civilians and are therefore not part of this military chain of command.74 Their legal status is murky, discipline is sporadic and accountability is sparse.**75** Government oversight in these circumstances, if present at all, is thin.**76**

Solvency – Restrictions Key [2/2]

Policies must be placed to create legal accountability for PMCs

**Morris, ’09**

[Erika, Professor @ Utah State University, “Private Warfare: History of the Increasing Dependency on Private Military Corporations and Implications”, <http://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=1005&context=honors>]

The murkiest of the policy prescriptions, yet one of the primary caveats within the system is creating an atmosphere where legal accountability can be placed upon these corporations and the organizations that hire them. There are many things to consider, but the main issues that need to be solved including restrictions on who can be hired by corporations, what types of organizations and entities that can hire these corporations, and what judicial system will "investigate, prosecute, and punish" any abuses (The Private Military Industry and Iraq 21). It is obvious that international regulation will have to be set in place alongside domestic restrictions. Some of the options that might be implemented include broadening the UN mandate to allow the UN Special Rapporteur ofmercenaries to include PMC's, international measures to provide transparency and sharing of information on PMC's, and mandating necessary safeguards within PMC's to protect against human rights abuses abroad. This could mean allowing PMC's to adopt a voluntary code of conduct or legally defining legitimate and illegitimate activities that PMC's mayor may not engage in. Another level might be to require licensing for those wishing to market services abroad or a blanket registration for all international PMC's (Schreier 116125)

Congressional oversight key to enforcing regulations

**Morris, ’09**

[Erika, Professor @ Utah State University, “Private Warfare: History of the Increasing Dependency on Private Military Corporations and Implications”, <http://digitalcommons.usu.edu/cgi/viewcontent.cgi?article=1005&context=honors>]

The other level of regulation is at the national level. These options are far more specific and require rigorous oversight. One of the ways to regulate the industry is by establishing a licensing system where standards are delineated as to contracting and hiring practices that includes what activities are permitted and restricted. Standards may be put in place that requires financial transparency and minimum levels of training and screening for those they hire. The surest way to keep up with the rapidly changing industry is to establish Congressional oversight that can assist in a plethora of issues, including compliance with regulations, establish a system to assess and approve when outsourcing would be appropriate, rather than the use of our private military capabilities (Schreier 134-126).