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PMC’s Good – Accountability

PMC’s are accountable – market forces and competition force them to have high standards of professionalism.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

On the other hand, there are non-formalist influences on institutional behavior that make PMCs more inclined than the public military to disclosure. The most substantial is the moderating and disciplining effect of the commercial market that encourages disclosure and the protection of reputation as a legitimate entity. PMCs are repeat economic actors. The success of their work is judged not only by the effectiveness of their work, but also whether they perform that work in a way that does not draw negative publicity to their sponsor. Like an umpire in the World Series, their name is only called when something has gone wrong. People do not care about whether a prison is privatized if it is functioning properly. The public is uninterested in Blackwater contractors who guard State Department personnel until those contractors are engaged in an incident deemed inappropriate. Thus, PMCs are highly responsive to questions impacting their larger commercial reputation. Reputational concern extends to all of a company’s operations no matter the location or client. In the words of one company official, “[w]hen we sneeze in Africa, we get a cold in Asia.”215 The hiring process of PMCs reflects a concern that the personnel utilized by those companies satisfy the highest standards of professionalism. Institutional concerns, shared by contemporary public militaries (largely reflecting the norms of their surrounding societies), have greatly influenced how PMCs view the currency of their reputation.216 In Sierra Leone, one private security firm refused to engage in offensive operations against the country’s rebels due to a concern that the firm would be accepting a “mercenary” tag that would affect future employment with large Western states and the U.N.217 The largest customers of PMCs and the standards that they require in the execution of their contracts shape PMC standards.218 In the context of the current security situation, the United States and major international non-governmental organizations like the U.N. control corporate operating and performance standards.219 The possibility of a negative incident tainting a contractor is much higher than in the public system. When public soldiers engage in an apparent unlawful shooting of civilians, as in Haditha, their blame is individualized and generally perceived by the public as not implicating the military as a whole.220 A similar incident by PMC personnel is perceived as evidence of a larger socialized problem with the use of contractors. In the context of the Abu Ghraib scandal, polls indicate that the public accepted the explanation of military and civilian assertions that the acts of prison guards reflected “a few bad apples.”221 The opinion of the contractors acting as interrogators was much more likely to reflect a larger concern that implicated the entire company.

PMC’s Good – A2: No Accountability

And, the PMC’s are no less accountable than regular forces- multiple instances prove

Boggs 8 (PHD-Poli/Sci @ Berkeley, Prof @ Washington University in St. Louis, UCLA, USC, UC, Irvine, and Carleton University in Ottawa, *Fast Capitalism* vol 4.1, 8) ET

In Iraq, where Blackwater and other PMC personnel enjoy immunity from prosecution, few U.S. troops have been prosecuted for crimes that have far exceeded anything attributed to the PMC’s. As with My Lai in Vietnam, the well-known instances of torture at Abu Ghraib prison stand out as exceptional, brought to light by media exposes after being dismissed or covered up by the military. Several low-level prison guards were tried and convicted, a few receiving stiff sentences, while officers in decision-making positions (not to mention Washington officials) never faced legal consequences. Similar operations in Iraq and Afghanistan were spared criminal sanctions. Even more illuminating is the case of Marine atrocities at Haditha, on November 19, 2005, where 24 defenseless Iraqi civilians were slaughtered in the aftermath of a roadside bombing. This episode came to light thanks to a Time magazine report of March 16, 2006, after prolonged military efforts to cover up the atrocities. Shamefully, six of eight Marines charged had their cases dismissed at court-martial while a seventh, Lt. Col. Jeffrey Chessani (the highest-ranking officer accused) was exonerated by a military judge at Camp Pendleton. Only one defendant remained – Lt. Andrew Grayson – accused not of murder but of dereliction of duty.[18] Coverups made it virtually impossible to prosecute serious offenses. Here as in many other cases the much-hyped “rules of engagement” failed to protect Iraqi civilians from murder at the hands of American occupying troops.bIn yet another instructive episode, a Marine hearing officer at Camp Pendleton recommended against court-martialing Sgt. Johnny Winnick for manslaughter and assault in the shooting deaths of two Syrians and the wounding of two others in Iraq. Instead, the process was to involve nonjudicial punishment for dereliction of duty, leading to nothing more than a demotion and reprimand. In June 2007 Winnick opened fire on Syrians whose truck stopped near the Lake Tharthar region, continuing to shoot even after the men were down and incapacitated. No evidence was presented that the four men were planting a bomb, as Winnick claimed. Prosecution would have followed the charge that Winnick violated rules of engagement requiring “positive identification” that someone is committing a “hostile act” or has shown “hostile intent”. At the preliminary hearing in Camp Pendleton, a defense expert successfully argued that rules of engagement are inevitably vague and confusing to frontline troops – even though, in this instance, the Syrians had already been rendered defenseless. One of Winnick’s attorneys, Daniel Conway, said: “Our Marines deserve the benefit of the doubt when they make good-faith decisions to use force in self-defense during combat. Sgt. Winnick is a standup Marine, and he’s eager to get back to work.”[19] Of course the idea that “good-faith decisions” are being made in “self-defense” could be made for troops under virtually any battlefield circumstances. The point here is that, on the ground, levels of “immunity” in Iraq extend as much to regular military troops as to PMC’s.

PMC’s Good – A2: No Accountability

Criticisms of PMC accountability have a flawed understanding of true democratic accountability.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

The baseline standard of processes and public access to decisions affecting policies of war and peace must be that of the public military. Democratic accountability principles contemplate, and the contours of information available to fulfill those principles reflect, an attempt to balance between openness and effectiveness based on the context of governmental action—in this case, the delicate, but fundamentally important decisions of war and peace.201 In many ways, the military is the most carefully reviewed agency of the federal government as a formal matter. As one of the largest recipients of federal dollars, the budget of the Department of Defense is subject to endless scrutiny.202 The Department of Defense has been subject to more reports by the General Accounting Office (now the Government Accountability Office) than any other branch.203 The breadth of these reports runs the entire gamut of military operations, from procurement, to training, to contractor oversight and military affairs.204 Despite broad deference in classification determinations, the Department of Defense has released millions of pages of documents since the beginning of the Iraq War documenting meetings and decisions of both high and low level officials executing the war. Democratic accountability, however, is not only about formal accounting mechanisms, but also about whether the justifications of the military are presented to the American people to make intrinsically political judgments about the desirability and validity of government action. The transparency and enforceability of democratic norms in this context, however, should not be overstated. Viewing the intrinsic nature of national security as a realm in which the retention of classified information is considered of paramount importance, traditional mechanisms of democratic accountability are compromised and often purposefully evaded.205 To start, public military action often takes place in areas that provide limited and challenged access to independent observers, such as combat zones. Similarly, media restrictions imposed by the military during wartime, even in circumstances where a plausible security concern is difficult to discern, such as the prohibition of photographing American coffins being transported back to American soil or photographic restrictions of “identifying characteristics” of detainees at Guantánamo Bay, present obstacles inherent to contemporary military regulations.206 The public military is also insulated from formal accountability mechanisms as a policy matter due to its mission of national security. While the Department of Defense is formally encompassed within the ambit of FOIA, much of the information one might request is covered by the national security exception of the statute.207 Similarly, both the CIA and the Department of Defense retain wide latitude in classifying documents at varying levels of security clearances with only cursory, and typically deferential, review in limited circumstances.208 Formal and practical obstacles to transparency may cause one to think that a principle of democratic accountability is impractical in causes of war. The ability of the State to restrict exposure of information to the public, however, does not wrestle away democratic accountability when the overarching subject matter of the policy is of high public importance and subject or available to large numbers of individuals within the government. This is because even highly restricted evidence contrary to public interests has proven likely to emerge in public due to internal competitive pressures within the bureaucracy and the anonymity associated with large government.209 Moreover, democratic accountability does not assume perfect transparency; rather, it accepts both the reality and opacity of power.210 As such, its goal is not to gain the requisite modicum of control of official power in order to guide it, roughly, according to public preferences. As a roughly hewn guide to following public policy preferences and adhering to public values, democratic accountability principles simply require the availability of overarching policy choices and a normative list of values attached with each policy choice.

PMC’s Good – Generic

PMC’s are not that bad – there are some bad contractors, but they are overall good

Isenberg 6 (David, Senior Analyst with British American Security Council, http://www.basicint.org/pubs/2006PMC.pdf)JFS

PMC’s have done reasonably well in fulfilling their contracts in Iraq. They have performed difficult missions under trying circumstances.

Generally, their personnel have conducted themselves professionally and are more in tune with the local culture than are regular U.S. military forces. In several, little noted cases, they performed above and beyond the call of duty. On the whole they are culturally more sensitive than the military. We need to remember that to be able to operate they have to mix with locals thus getting to know the local culture. Such integration is done professionally and during periods of relaxation. While one can’t eliminate the possibility of getting an ill-trained or unqualified person working for a company on the whole the level of professionalism compares favorably with, and in many cases exceeds that of regular military forces. For the sake of comparison consider the hapless reservists who were tasked with guarding inmates at Abu Ghraib, a task for which they were not trained.

PMC’s provide key technical services for cheap – they aren’t unethical murderers.

Johnson 10 (D. Alan , March 25th, , Author, http://www.bloggernews.net/124133)KM

“How can those men go overseas and kill and maim thousands? Have they no conscience?” These questions are asked by PhD’s, radio talk show hosts, and ladies who have never been anyplace wilder than Sea World in Orlando. Others see dark conspiracies that these specialized companies are out to overthrow weak governments and steal their natural resources. This propaganda makes for great copy on MSNBC and in Mother Jones magazine, but is it true? First of all, private military contractors (PMC’s) are not mercenaries. Instead of being paid as front line soldiers to fight battles for a country not theirs, contractors are specialists supporting the military. PMC’s are more like the blacksmith and the armorer that rode behind the knights fixing their armor and weapons than the black knight who fought for whoever paid his fee. Don’t get me wrong, most of these men are not what I would consider good candidates to marry one of my daughters, but neither are they the bloodthirsty sadists painted by the left. Today’s PMC jobs include managing electronics installations, maintaining aircraft, providing administrative services, collecting intelligence, and hauling freight. The US military could perform all of these functions, yet a civilian company can do it better and cheaper. By regulation most contractors are not even armed. These jobs attract men and women who are willing to work in conflict areas, who want to make a difference in the world, and who want to make more money than is available for the same job in the States.

PMC’s Good – War

Relying on PMC’s for the war is good – warfare has moved away from large interstate conflicts. Traditional ideas of state control of violence don’t apply anymore.

Douthat 7 (Ross is a senior editor at The Atlantic, 28 Sep, “Reihan: Why Private Military Contractors Are A Good Thing”, http://rossdouthat.theatlantic.com/archives/2007/09/reihan\_why\_private\_military\_co.php)KM

A debate has erupted over US reliance on private military contractors in Iraq and elsewhere. My sense is that the brilliant and decidedly uneven Robert Young Pelton, a staunch critic of PMCs, has set the tone for the debate. My own view is different. We do depend on PMCs, we're likely to depend on them even more over time, and this is a very good thing. Consider John Robb's thoughts on the subject. The defining fact of our time, as John Mueller has argued, is the decline of war. This, of couse, contradicts the Colin Gray view and I can see how it might seem strange given the bloody conflicts that dominate the headlines. But this doesn't change the normative shift that has taken place over the last century, from a time when military aggression was seen as both inevitable and acceptable to the present, when it is seen as an offense against all things good and decent. A similar normative shift was behind the decline of enslavement in the West, which began long before the vile practice became economically impracticable. Ideology matters. The kind of conflicts we're seeing and are likely to see are far more like crime, pervasive and opportunistic, than like conventional interstate warfare. The patriotic sentiments that motivated volunteer armies in the past are harder to apply to campaigns designed to strengthen vulnerable foreign states, or to limit the extent of bunkering and other criminal activities that have no obvious ideological valence. And so we will need to rely on skilled professionals to help police the world. To be sure, there are legitimate concerns about abuses committed by PMCs. That is a failure of the US and Iraqi governments, but not of PMCs as a matter of principle.

PMC’s fill the gap the military leaves – asymmetrical warfare and increased need for peacekeeping missions are more suited to entrepreneurship.

McCormick Tribune Foundation 6 (“Understanding the Privatization of National Security” http://www.mccormickfoundation.org/publications/privatization2006.pdf)KM

The increased use of unconventional warfare by our enemies is another key driver of privatization. “How do you fight a global war on terror?” asked a participant. The government is “doing the right thing by being very entrepreneurial. Just like any corporation, you would bring in experts on short-term contracts.” PMCs are often better suited to respond to asymmetric threats. “Al-Qaeda is basically a new war-making entity,” noted a law enforcement expert. “This is in fact a new form of warfare that’s evolving. It’s not state-on-state conventional warfare, but the new form of warfare that’s developing with non-state actors.” “This is a global change,” concurred another law enforcement official, “where you see crime and war blurred. You see domestic and foreign blurred. And this has particularly important ramifications.” One ramification is the need for better intelligence. “During the Cold War, information was hard to come by,” noted one expert. “Power came from the control of information. The world is becoming increasingly complex … and the intelligence function above all has to be accurate and it’s got to be fast. [The government] can’t cover everything.” As a result, contractors are increasingly being employed in the intelligence field. One industry leader noted that another big change is the increased need for peacekeeping missions. “The military, of course, hates doing peacekeeping,” he stated. “So what are we going to do about that? Well, we’re probably going to go to the private sector again. Do you need to send a hundred 1st Airborne to eastern Congo to do peacekeeping operations? Not necessarily.”

PMC’s Good – Civil Unrest/Conflict Escalation

PMC’s solve civil unrest better than the UN – they are superior to peacekeeping troops in speed and skill.

Schreier and Caparini 5 (Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper - №6, “Privatising Security: Law, Practice and Governance of Private Military and Security Companies” Fred and Marina Geneva, March http://www.dcaf.ch/\_docs/op06\_privatising-security.pdf)KM

• PMCs and PSCs could improve the quality of UN missions. The UN is slow to deploy peacekeeping troops and the troops are often poorly trained and underequipped soldiers from developing countries. Not only are these types of operations less controversial when carried out by private companies, they are less costly. PMC operations in Sierra Leone cost about 4 percent of the costs of a subsequent UN peacekeeping operation.277 It is estimated that the intervention in Liberia would have cost 15 times more if US troops were used.278 One PMC claimed that it could have intervened to stop the killing in Rwanda within 14 days of hire at a cost of $600,000 per day. The UN Operation took much longer, cost $3 million per day and did not stop the genocide.279 A subsequent UN report emphasized the importance of rapid deployment and on-call expertise for peacekeeping operations.280

PMC’s stabilize failed states that international powers ignore – solves terrorism.

Schreier and Caparini 5 (Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper - №6, “Privatising Security: Law, Practice and Governance of Private Military and Security Companies” Fred and Marina Geneva, March http://www.dcaf.ch/\_docs/op06\_privatising-security.pdf)KM

PMCs can bring stability to conflicts in the developing world. Stabilizing “failed states” is important for reducing the threat of international terrorism and organized crime, and the provision of security is a prerequisite for such stabilization. Despite the prevailing distaste for mercenaries, the record of some PMCs speaks to their potential for resolving conflicts and establishing peace and order in countries that would otherwise be ignored by the world’s leading powers.282

PMC’s empirically solve conflicts before they escalate and allow for peace negotiations to be made.

Fitzsimmons 5 (*Journal of Military and Strategic Studies*, Fall , Vol. 8, Issue 1, 2005 “DOGS OF PEACE: A POTENTIAL ROLE FOR PRIVATE MILITARY COMPANIES IN PEACE IMPLEMENTATION” Scott , Department of Political Science, University of Calgary, http://www.ciaonet.org/olj/jmss/jmss\_2005/v8n1/jmss\_v8n1g.pdf)KM

In the twenty-one months that Executive Outcomes was deployed in Sierra Leone and with fewer than 500 foreign specialists, it was able to drive back rebel Revolutionary United Front (RUF) troops from around the capital, Freetown, retake key mines from the RUF, and destroy the RUF's headquarters. Furthermore, and most important in any discussion of security guarantees, EO was able to respond to threats from RUF forces geared towards disrupting the first official democratic election in Sierra Leonean history, thereby violating the November 1995 ceasefire. EO accomplished this by conducting reconnaissance missions to determine the location of RUF forces around Freetown and then eliminating them before a disruption of the election could spark a widespread outbreak of hostilities.11 This action had the additional benefit of bringing RUF leader Foday Sankhoh to the negotiating table and ultimately contributed to his signing a peace agreement with the government in November of 1996.12 EO's superior knowledge of military tactics appears to have greatly contributed to its successes. The style of warfare that characterized the Sierra Leonean conflict before EO's arrival was roadside ambushes followed by quick withdrawals. EO's tactics included constantly pursuing RUF forces from the air and on the ground and forcing the RUF to commit to standup battles that put the unskilled rebel force at a severe disadvantage.13 Veterans of EO's campaign described their tactics as being so effective that compelling the RUF to stop fighting was "child’s play."14 Similarly, P.W. Singer's assessment of EO actions in Sierra Leone concluded that the PMC’s small but tactically proficient force played a decisive role in compelling the RUF to stop fighting and negotiate with the government for the first time.15

PMC’s Good – Civil Unrest/Conflict Escalation

PMC’s comparatively solve better than other peacekeeping forces because of their ability to coerce belligerent parties into peace agreements.

Fitzsimmons 5 (*Journal of Military and Strategic Studies*, Fall , Vol. 8, Issue 1, 2005 “DOGS OF PEACE: A POTENTIAL ROLE FOR PRIVATE MILITARY COMPANIES IN PEACE IMPLEMENTATION” Scott , Department of Political Science, University of Calgary, http://www.ciaonet.org/olj/jmss/jmss\_2005/v8n1/jmss\_v8n1g.pdf)KM

It is clear then that EO's ability to project military force helped establish peace in Angola and Sierra Leone by coercing rebel military forces to comply with ceasefire agreements and sign peace agreements. Similarly, UNAMIR's and UNAVEM III's inability to project military force failed to deter violence and allowed belligerents to build up their war-making capacities and restart the civil wars in Rwanda and Angola. Therefore, although EO showed that it could successfully project force against belligerents during peacemaking operations where it did not have to act impartially, the PMC's demonstrably robust capacity in this area also indicates that a similarly capable PMC could provide stronger security guarantees in peace enforcement operations than much larger UN forces which lack quality personnel and equipment.

And PMC’s efficiently take the place of troops – they can solve smaller, regional conflicts.

KURLANTZICK 3 (JOSHUA April 30, , “Outsourcing the Dirty Work” http://www.prospect.org/cs/articles?article=outsourcing\_the\_dirty\_work)KM

"American soldiers are expensive, and uniformed military don't want to be cooking food or doing lots of other tasks, so PMCs are more efficient," says Christopher Hellman, senior analyst at the Center for Defense Information, a military research organization. And some evidence supports this argument. "In the [early 1990s] UN operation in Cambodia [in which the United Nations handled most of the logistics], peacekeepers would run out of fuel and water," notes Singer. In contrast, he says, the United Nations' recent rebuilding effort in East Timor, which has relied heavily on PMCs, has run much more smoothly and efficiently. Doug Brooks, president of the International Peace Operations Association, a trade group of PMCs, has even claimed that these private companies could resolve all of Africa's conflicts for just $750 million.

PMC’s Good – Civil Unrest/Conflict Escalation

PMC’s can stop civilian casualties and create conditions for peace– conventional militaries steer clear of civil unrest, and peacekeeping troops are incompetent.

Brooks 2 (Doug President, International Peace Operations Association (IPOA) “Protecting People: the PMC Potential” 25 July http://www.hoosier84.com/0725brookspmcregs.pdf)KM

One of the most ironic aspects of the debate around the use of PMCs relates to humanitarian activities. Few have questioned the legitimacy of PSCs providing robust military-level protection for industrial mines in war zones. However, when it is suggested that these same companies be used to protect innocent civilians, the issue becomes extremely political and mired in theoretical debate over the “state’s monopoly over violence.” The stark fact remains that conflicts in developing countries target innocent civilians even more than they target economic or military assets. Too often state militaries are incapable of defending the innocent; while in many cases the state militaries are little more than private armies for warlords, actively targeting civilians themselves. Worse, the more capable First World militaries have shown little interest in joining multinational interventions into Third World conflicts – no matter how horrendous the humanitarian situation. The UN is not a “poor-man’s NATO” - troops from developing countries are inadequately trained and equipped for these incredibly complex tasks. We end up with the world’s least capable troops trying to do the world’s most difficult military operations. As a result, hundreds of thousands of civilians die needlessly. PMCs offer the only military forces both willing and capable to provide rapid and effective military services in most Third World conflicts. PMC operations in the past have saved tens of thousands of lives, but their potential is even greater. Working as “force multipliers” PMCs can provide the competent military backbone to ensure the success of UN or regional multinational peacekeeping or peace enforcement operations. This is critical if we want painstakingly negotiated peace agreements to survive and to ensure that such missions are not hijacked or held hostage by ruthless warlords as in the past. PMCs can proactively make peace, end the killing and maintain order while allowing international bodies to negotiate permanent settlements. More critically, given an international mandate, PMCs can decisively intervene in instances of genocide, as occurred in Rwanda. Executive Outcomes’ offer to the UN of a rapid intervention force during the Rwanda genocide was declined - at a time when member states were callously turning their backs to UN pleas for military support. In hindsight, can anyone rationally argue that ignoring EO’s offer was the correct decision? This unique capability and willingness to intervene in instances of genocide cannot be overemphasized. Although there have been active efforts to reform and improve the UN’s military competence (most notably the “Brahimi Report”), structural issues preclude the international organization from any sort of competent rapid deployment ability. Problems of political will and declining military capacity ensure that First World militaries will continue to shun even the most critical of humanitarian interventions. There are no alternatives to PMCs for this capability. Nor is there any likelihood of an alternative within the next decade. With the lives of hundreds of thousands of people at risk any proposed regulations on PMCs should recognize the current dire realities of international peacekeeping, understand the danger of being overly restrictive, and facilitate the use of private companies for peace operations.

PMC’s Good – A2: Conflict Escalation

Violence will occur but won’t escalate regardless of our presence

Dayen 10 (David May 14 http://news.firedoglake.com/2010/05/14/on-leaving-iraq/ TBC 6/27/10)

I don’t buy the “hair on fire” argument or the “trust us we’re leaving” argument until I see actual results that lead to withdrawal. We have until September 1 to reduce from roughly 92,000 troops to 50,000. That’s not impossible but it needs to get going. The post-election chaos will persist REGARDLESS of our presence, anyway. And while the formation of a government has been slow, the alliance between rival Shiite groups points clearly to a resolution. The election recount requested by the ruling Maliki party ended, showing no fraud, and while that’s a preposterous conclusion, it was made to get the recount out of the way now that the Shiites have the numbers to bring together a coalition government. They’ll do so, Sunnis will be angry, there will be more fighting, and all of this is generally out of our control.

PMC’s Good – Surge Capacity/Disaster Response

PMC’s provide necessary surge capacity for rapid responses to natural disasters and catastrophes.

McCormick Tribune Foundation 6 (“Understanding the Privatization of National Security” http://www.mccormickfoundation.org/publications/privatization2006.pdf)KM

One area where cost is perhaps less relevant is when the government has an immediate mission and quickly needs “surge capacity.” “It’s a question of getting it done,” noted moderator Suzanne Spaulding. “It’s the need for speed,” added a private sector executive. Whether it’s responding to Hurricane Katrina, a bio-terrorism event, or an outbreak of violence in Iraq, private contractors play an important role in supplementing government capabilities during a crisis or emergency situation. “What private contractors can do very well is pull together highly qualified people and hand-pick them and task-organize them, and do it very quickly. And this is an enormous asset to our country,” noted a public policy expert. “We have chosen not to have a military draft,” added a defense industry expert. “Therefore, when there is a surge in demand… there’s an inevitability toward our use of contractors.”

PMC’s solve modern conflicts – they provide rapid surge capacity at a lower cost than state actors.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

2. Policy Advantages of National Security Privatization a. Surge and Diffusion Capacity The increased lethality of non-state insurgents and terrorist organizations enhances non-state actors’ ability to influence state action through isolated, but deadly, incidents of force. Identifying these decentralized threats is difficult; effectively countering them requires a degree of deployment flexibility and expediency that would be enormously difficult and expensive for the public military to attain. Similarly, private contractors do not have to be rotated out of theater as do public soldiers. Thus, the government can hire fewer contractors and receive more fulltime- equivalent service for their deployment than is possible with public troops. The ability to hire and deploy contractors quickly not only provides a needed surge capacity in the midst of armed conflict, but also facilitates the deployment of a small number of troops to parts of the world where the State has little presence.174

PMC’s Good – Better Than Trad. Forces – Laundry List

PMC’s are superior to traditional militaries because they avoid political constraints and funding problems.

Newton 8 (Jayce, George Washington University, 08/18, “Can Private Military Firms Play a Role in Darfur?”, http://www.iar-gwu.org/node/25)KM

When comparing a PMF to a national military or a coalition, PMFs have two significant structural advantages: political and financial. National armies, in general, are large, expensive, slow to deploy, and subject to the political processes of the governments that control them. The armies of developing nations are in many cases underfunded and poorly equipped. These factors become exponentially more complicated when a coalition of different national forces is required. Each country’s military has its own chain of command, procedures, and culture. They do not often mesh well with those of another military. And there are many cases of national armies committing human rights abuses and commiserating with the “enemy”, as occurred during Sierra Leone’s civil war. Singer contrasts this with PMFs: their effectiveness lies not in their size, but in their comprehensive training, experience, and overall skill at battlefield judgment, all in fundamentally short supply. . . . Utilizing coordinated movement and intelligent application of firepower, their strength is their ability to arrive at the right place at the right moment. The inability to raise the funds needed to launch a multinational force is often the reason one is not employed. If none of the major powers offer their services, UN peacekeeping missions are often dependent on whatever monies participants can raise, and they usually have to proceed without the necessary budget. There is a peacekeeping fund, but member states often neglect to pay those dues and peacekeepers are forced to pay out of pocket in hopes of being reimbursed later. The AU is in many ways worse, as some member states do not pay their dues at all. Many AU states cannot afford to provide adequate compensation for members of their respective militaries, let alone send their troops and equipment thousands of miles away for months at a time. The AMIS force was long in disrepair and should have been recalled much earlier if it were not for the current dire circumstances. PMFs are smaller, faster, and cheaper. The Executive Outcomes operation in Sierra Leone was 4 percent the cost and size of a similar UN operation, and even though they did not leave a sustainable peace, it was by many measures more effective. In Sierra Leone, a group of four private soldiers played a crucial role in an Economic Community of West African States Monitoring Group (ECOMOG) operation. A Nigerian lieutenant colonel said of them: “without these guys, we would have run out of food and ammo and fled the front.” While not a PMF per se, the effectiveness of just four men demonstrates how successful private military services can be.

PMC’s Good – Better Than Trad. Forces – Solves Wars

PMC’s solve war and can bring peace agreements – the UN lacks military capabilities that PMC’s have.

Fitzsimmons 5 (*Journal of Military and Strategic Studies*, Fall , Vol. 8, Issue 1, 2005 “DOGS OF PEACE: A POTENTIAL ROLE FOR PRIVATE MILITARY COMPANIES IN PEACE IMPLEMENTATION” Scott , Department of Political Science, University of Calgary, http://www.ciaonet.org/olj/jmss/jmss\_2005/v8n1/jmss\_v8n1g.pdf)KM

Scholars and practitioners generally agree that one of the keys to effective implementation of peace settlements is the provision of strong third party security guarantees.1 The United Nations (UN) has been largely ineffective at this task and great powers who could be effective are often reluctant to act when national interests are not at stake. This paper argues that Private Military Companies (PMCs) may be able to do the job more effectively than the traditional blue helmets.2 This paper addresses two important questions about the potential role of Private Military Companies in peace implementation. First, how can third parties more effectively deliver security guarantees in order to enforce peace settlements in the aftermath of violent conflict? And second, are United Nations military forces the optimum source for strong security guarantees in peace enforcement operations or could PMCs do a better job? I argue that third parties can more effectively deliver security guarantees to enforce peace settlements in the aftermath of violent conflict if they possess the structure and interests to provide three military capabilities necessary to deliver strong guarantees: the ability to project force against belligerents, the ability to rapidly transport elements of an intervention force intoand within conflict zones, and a commitment to the success of a military operation. An intervention force possessing these capabilities can better provide strong security guarantees to the primary belligerents in a conflict than forces which do not possess these capabilities. Security guarantees have an indirect relationship with conflict resolution in that they can influence the war and peace calculus of belligerents. If perceived to be strong, these guarantees can raise the belligerents' expected costs of war to the point where it is no longer seen as a viable option. In turn, this should increase the probability of successfully implementing a peace agreement by maintaining a state of negative peace between belligerents. Following from this, I argue that PMCs are better suited to provide strong security guarantees in peace enforcement operations than traditional UN military forces and that this is due to the comparatively robust structure and interests-based capabilities of PMC forces. Specifically, PMCs are better suited to provide strong security guarantees in peace enforcement operations because they can often meet the three military capability criteria established above. On all measures, PMCs are far more capable than traditional forces. This paper demonstrates the potential superiority of PMCs in peace enforcement operations through a comparative analysis of the peacemaking operations of the PMC Executive Outcomes (EO) in Sierra Leone from May of 1995 to January of 1997 and in Angola from April of 1993 to December of 1995, with two UN-led peace enforcement operations. These include the early months of the United Nations Assistance Mission for Rwanda (UNAMIR), from November of 1993 to September of 1994, and the third United Nations Angola Verification Mission (UNAVEM III), from February of 1995 to June of 1997. This comparison is organized according to the three criteria for providing strong securityguarantees already discussed. Therefore, the purpose of this paper is not to show that EO provided security guarantees in Sierra Leone and Angola, for it did not. Rather, this paper demonstrates that EO's military performance in those peacemaking operations indicates that a similarly capable PMC could possess the requisite military capabilities to provide strong security guarantees if contracted to do so. This is not intended to be a systematic comparison. Instead, this paper offers a first-cut analysis by doing a rough comparison of important cases in UN peace-enforcement and PMC peace-making operations.3

PMC’s are better than normal peacekeeping forces – this evidence is comparative.

Fitzsimmons 5 (*Journal of Military and Strategic Studies*, Fall , Vol. 8, Issue 1, 2005 “DOGS OF PEACE: A POTENTIAL ROLE FOR PRIVATE MILITARY COMPANIES IN PEACE IMPLEMENTATION” Scott , Department of Political Science, University of Calgary, http://www.ciaonet.org/olj/jmss/jmss\_2005/v8n1/jmss\_v8n1g.pdf)KM

This paper has demonstrated that EO's military performance in certain African peacemaking operations indicates that a similarly capable PMC could possess the requisite military capabilities to provide strong security guarantees if contracted to do so. Executive Outcomes demonstrated that it possessed the capacity to successfully project military force against belligerents and to rapidly transport elements of an intervention force into and within conflict zones. Moreover, the PMC demonstrated that it was committed to successful fulfilling the goals of its missions even in the face of opposition from belligerents. These are all critical components of a peace enforcement force aiming to provide strong security guarantees. It is therefore unsurprising that the two UN military forces examined in this paper, UNAMIR and UNAVEM III, failed to provide strong security guarantees since they were lacking in these same three areas. Overall, these comparisons indicate that PMCs may be better suited than traditional UN military forces to provide strong security guarantees in peace enforcement operations.

PMC’s Good – Better Than Trad. Forces – Dedication

Traditional peacekeeping forces have nothing invested in conflicts – inevitably causes them to fail missions.

Fitzsimmons 5 (*Journal of Military and Strategic Studies*, Fall , Vol. 8, Issue 1, 2005 “DOGS OF PEACE: A POTENTIAL ROLE FOR PRIVATE MILITARY COMPANIES IN PEACE IMPLEMENTATION” Scott , Department of Political Science, University of Calgary, http://www.ciaonet.org/olj/jmss/jmss\_2005/v8n1/jmss\_v8n1g.pdf)KM

Similar lack of interest was demonstrated in the months leading up to the Rwandan genocide when, upon being warned by UNAMIR Mission Commander Romeo Dallaire that a genocide of the Tutsi people appeared imminent, the Security Council voted to reduce the military contribution to the mission from approximately 2,500 soldiers to a mere 270 military personnel.75 These remaining personnel were tasked with "promoting a cease-fire" between two parties that in the spring of 1994 were preparing to annihilate each other. However, it is unclear to this day how this force was intended to accomplish what a force almost ten times larger could not.76 While tragic, this lack of commitment to operational success in traditional UN military missions is understandable both because of the financial costs of doing so and also because, in the words of Jonah Schulhofer-Wohl, "no country wishes to embark on a peacekeeping mission and find its troop contribution being sent home in coffins."77 Force size is not necessarily the only or even the best measure of the strength of a security guarantee. However, reducing the numbers of an already poorly skilled and equipped force can signal to belligerents that a weak guarantee has been made even weaker.

Conventional militaries abandon many global sites of unrest – only PMC’s can solve.

Brooks 2 (Doug President, International Peace Operations Association (IPOA) “Protecting People: the PMC Potential” 25 July http://www.hoosier84.com/0725brookspmcregs.pdf)KM

Given adequate guidelines and regulations, companies offering military services can do much to address the massive security vacuum people in developing countries endure today. While there is general acceptance for the use of private security companies to protect mines and oil facilities in areas of armed conflict, it is ironic that protecting people is a concept still jealously reserved for state militaries. Western governments’ reluctance to use their own capable militaries for humanitarian interventions or international peace operations in even the direst of circumstances has played into the hands of warlords and dictators while allowing the deaths of hundreds of thousands of innocent civilians. PMCs can go where Western militaries fear to tread and protect or even rescue those the World abandons.

PMC’s Good – Better Than Trad. Forces – Speed

PMC’s solve conflict better than other peacekeeping forces – they can mobilize faster and are interoperable.

Fitzsimmons 5 (*Journal of Military and Strategic Studies*, Fall , Vol. 8, Issue 1, 2005 “DOGS OF PEACE: A POTENTIAL ROLE FOR PRIVATE MILITARY COMPANIES IN PEACE IMPLEMENTATION” Scott , Department of Political Science, University of Calgary, http://www.ciaonet.org/olj/jmss/jmss\_2005/v8n1/jmss\_v8n1g.pdf)KM

Added to their ability to utilize highly mobile vehicles within a conflict zone, much of a PMC's speed advantage is derived from the fact that they often possess more compatible military equipment and training, and also greater linguistic compatibility when compared to UN military forces.52 During the months leading up to the Rwandan genocide in 1994, UNAMIR was made up of soldiers from 24 countries, including those that spoke almost exclusively English (Australia), French (Belgium and some of the African contributors), and those that spoke a plethora of Eastern European languages.53 Similarly, UNAVEM III was made up of soldiers from 31 countries, including a Portuguese-speaking country (Portugal), English-speaking countries (Bangladesh, India, and Zimbabwe), and those that spoke a similar mix of Eastern European languages.54 Training standards were also markedly different between, for example, the Canadian and Nigerian contingents of UNAMIR and the Zimbabwean and Portuguese contingents of UNAVEM III, which further contributed to coordination problems. Conversely, Executive Outcomes exclusively employed soldiers who were formerly part of elite units of the SADF accustomed to a certain standard of training and all could communicate in at least English and Afrikaans. All of these factors combined ensured that EO could assemble a workable group of soldiers quite quickly with minimal compatibility problems.

PMC’s are superior – they can deploy faster than traditional militaries because they avoid political side constraints.

Newton 8 (Jayce, George Washington University, 08/18, “Can Private Military Firms Play a Role in Darfur?”, http://www.iar-gwu.org/node/25)KM

Building an international coalition is time consuming and requires great political effort. The institutions constructing the international force, in this case the UN and the AU, must negotiate separately with each country on issues of troop strength, deployment, mandate, rules of engagement, duration, and objective. Each country may have different demands and conditions, which will likely be affected by what other countries have agreed to, and deals will be negotiated and renegotiated. Unfortunately, the agreement each country accepts is just that—an agreement. No enforcement mechanism is in place to hold a country to its word. Often there are no official agreements at all, only vague assurances. On the other hand, there are fewer obstacles when contracting a PMF. Once approved, an agreement is reached between two parties, and a contract is written. A smaller, more effective force can be deployed in a fraction of the time it would take for a large, multinational force to assemble all of its parts in the field. Unlike national forces, PMFs are bound to perform their services as agreed or payment is withheld. Once the ink is dry on the contract, a PMF can get to work immediately. Consider the case of Rwanda, where 800,000 civilians were killed in less than 100 days. Hampered by financial constraints, political maneuvering, buck-passing, and indifference, the world failed to prevent the genocide even though there was a UN peacekeeping mission on the ground before the genocide even began. In the aftermath, there were still vulnerable populations in UN-administrated refugee camps. Kofi Annan, then Secretary General of the UN, said “when we had need of skilled soldiers to separate fighters from refugees in the . . . camps in Goma, I even considered the possibility of engaging a private firm.”

PMC’s Good – Better Than Trad. Forces – Speed

PMC’s solve conflict faster than other forces – they have efficient logistical support while UN troops fail to meet basic deployment objectives.

Fitzsimmons 5 (*Journal of Military and Strategic Studies*, Fall , Vol. 8, Issue 1, 2005 “DOGS OF PEACE: A POTENTIAL ROLE FOR PRIVATE MILITARY COMPANIES IN PEACE IMPLEMENTATION” Scott , Department of Political Science, University of Calgary, http://www.ciaonet.org/olj/jmss/jmss\_2005/v8n1/jmss\_v8n1g.pdf)KM

Executive Outcomes accomplished its logistical feats with the assistance of its mixed air fleet of owned and leased aircraft. These included two Boeing 727s purchased from American Airlines for $500,000 each and a diverse array of leased transport aircraft, including King Airs and two former RAF transport planes.62 Although some of EO's heavier equipment was transported to Angola and Sierra Leone via the company’s small maritime transport unit, all personnel, medical supplies, radios, food, ammunition, and spare parts were transported by air on one of the minimum two flights per week.63 Quickly transporting the volume of troops and equipment generally employed in traditional UN peace enforcement operations in the same style as UNAMIR or UNAVEM III requires dozens of ships and aircraft, equipment only the United States can provide on short notice. As a result of this logistical reality, it took over four months to transport a multi-national relief force into Rwanda in the fall of 1994 after the UNSC authorized that move in response to the start of the genocide in the spring of that year. The relief force arrived so late that the vast majority of the 800,000 Tutsis and moderate Hutus who died in 1994 had already been killed.64 Similarly, the inability of the main body of UNAVEM III personnel to rapidly deploy to Angola allowed the UNITA rebels sufficient time to start regrouping and rearming their forces. In turn, this allowed the rebel group to launch new offensives against the MPLA and effectively restart the Angolan civil war.65 These examples perhaps better than any other demonstrate how being able to transport troops rapidly can contribute to a force's ability to provide strong security guarantees. Indeed, lacking this capacity, any credibility that UNAMIR or UNAVEM III forces might have possessed as guarantors of security in the Rwandan and Angolan conflicts was instantly undermined. A PMC possessing similar transportation capabilities to those demonstrated by EO during its peacemaking operations could conceivably provide stronger security guarantees in a peace enforcement operation than UN forces lacking a rapid transportation capacity.

Quick deployment is key – public demands for military intervention have expanded which requires the military to be smaller but more present in the world.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

3. Internalizing Global Threats as Domestic Risks Never before have the U.S. and other nations so pervasively viewed their own national interest at risk from the isolated actions of small groups thousands of miles away. In February 2003, President Bush certified fighting narcotics trafficking in Guatemala as a “vital national interest” and opened the avenue for force and military financing because a strong organized crime apparatus in the country could weaken Guatemalan governmental institutions.149 Neither the certification nor any administration official contend that the organized crime referenced in Guatemala possesses the means or motive to harm the United States other than supplying it with highly-demanded drugs. Perception of increased need for strong military force is not, however, simply sparked by increased sensitivity to gravity of risk. The public perception of which risks substantively constitute a U.S. national security concern has expanded.150 Globalization has caused commercial interests to become completely intertwined with a perception that far away risks possess national security implications at home. This phenomenon is not unique to the United States. In a study performed by Gary Becker and Yona Rubinstein, commercial cycles in Israel would be disrupted due to terrorist attacks inside Israeli borders.151 Even minor attacks would cause substantial business losses because people became less inclined to leave their homes and engage in commercial transactions, thus harming the domestic economy.152 The trend of international interventions for humanitarian reasons is also evidence of an increasingly expansive view of U.S. interests requiring military action. At the time NATO troops began air strikes against Serbia, there was no clear indication that the Serbian regime possessed any designs against other countries, and clearly possessed neither the ability nor desire to engage in fighting with the United States.153 The justification for armed intervention was couched as an affirmative responsibility to preclude an ongoing genocide. The justification was moral—not legal or strategic.154 These normative movements, prevalent among industrialized states, have led to a generalized urgency to possess the ability to project military power in short order, while simultaneously reducing the capacity to do so as other conflicts arise. The result is a demand for military capabilities that can be delivered now.

PMC’s Good – A2: Traditional Forces Solves

Traditional peacekeeping forces fail – UN in Rwanda proves.

Fitzsimmons 5 (*Journal of Military and Strategic Studies*, Fall , Vol. 8, Issue 1, 2005 “DOGS OF PEACE: A POTENTIAL ROLE FOR PRIVATE MILITARY COMPANIES IN PEACE IMPLEMENTATION” Scott , Department of Political Science, University of Calgary, http://www.ciaonet.org/olj/jmss/jmss\_2005/v8n1/jmss\_v8n1g.pdf)KM

The results of UNAMIR's presence in Rwanda could not have been more different. UNAMIR soldiers could not provide strong security guarantees to parties in the Rwandan conflict because its soldiers were incapable of undermining the war-making ability of the belligerents. One of UNAMIR's most important deficiencies was a lack of personnel skilled in intelligence gathering.27 This contrasts markedly with Executive Outcomes' battalions, whose elite South African-trained special forces soldiers were all well-versed in reconnaissance and intelligence analysis.28 As a result of this deficiency, UNAMIR was largely unable to determine the exact locations or troop strength of the rebel Rwandan Patriotic Front (RPF) or the movement of arms to both that organization and the Hutu government.29 These movements of arms were in direct violation of the Arusha Peace Accords, yet because UNAMIR's soldiers could not acquire sufficient intelligence to discern movement patterns and supply networks for these weapons, they were incapable of preventing the arming of belligerent forces.30 Ultimately, this inability to track and control the movement of weapons and the strength of Rwandan Patriotic Front forces throughout the country ensured that UNAMIR could not fulfill the key aspect of its mandate to help make the capital of Kigali a “weapons secure area.”31

PMC’s Good – Profit Motive Good

Profit motive is good – PMC’s ensure the job gets done, while domestic peacekeeping forces don’t have enough invested in conflicts to solve them.

Fitzsimmons 5 (*Journal of Military and Strategic Studies*, Fall , Vol. 8, Issue 1, 2005 “DOGS OF PEACE: A POTENTIAL ROLE FOR PRIVATE MILITARY COMPANIES IN PEACE IMPLEMENTATION” Scott , Department of Political Science, University of Calgary, http://www.ciaonet.org/olj/jmss/jmss\_2005/v8n1/jmss\_v8n1g.pdf)KM

The final critical component of strong security guarantees is that intervention forces must be committed to the success of peace enforcement operations. As Barbara Walter rightly suggests, if potential belligerents are to believe in the strength of security guarantees, then outside interveners should be self-interested in upholding their promise to provide security even in the face of opposition from belligerents.66 Executive Outcomes' interests during its peacemaking operations were fairly obvious: if the company failed to coerce the rebel forces in Sierra Leone and Angola to stop fighting, it would not have been paid. Furthermore, the PMC's long-term reputation would have been tarnished and, as a result, its chances for securing future contracts while competing against other major private security firms like MPRI or Armourgroup would have been greatly reduced. Although pragmatically lacking the honour sometimes associated with public military service in defence of one's own state, long-term profit appears to have been a powerful motivating force in these cases. Indeed, the company stayed on largely unpaid until it was forced to leave Sierra Leone in 1996 due to pressure from an international community that had misinterpreted its role in the conflict.67 Faced with the prospect of being paid eventually by the Sierra Leonean government so long as EO could keep it in power or not being paid at all if EO stood back and allowed the RUF rebels to take over, the PMC rationally chose the former option.68 Similarly, EO only left Angola in 1995 because the MPLA cancelled its contract under pressure from the United States and the United Nations. The PMC had previously committed to maintaining a presence in the country as a stabilizing force for as long as was necessary.69 The United Nations' altruistic interest in providing security guarantees in Rwanda were seemingly far less powerful than EO's profit motive. For all the permanent members of the UNSC but France, Rwanda was largely a peripheral interest.70 To assess the priority placed on humanitarianism and security in Rwanda by the great powers, one has only to examine the efforts by the US delegation to the United Nations to initially cap the total number of peacekeepers sent to that country at a mere 500 personnel.71 With respect to Angola, no permanent UNSC member possessed significant interest in the fate of the Marxist MPLA or the UNITA rebels following the end of the Cold War. As a result, the UNSC denied the UN Department of Peacekeeping Operations' initial request for the 15,000 soldiers, police, and military observers to staff UNAVEM III.72 That body subsequently authorized a deployment of 7,000 total personnel.73 As discussed earlier, even fewer personnel were actually sent to Angola and the largest contribution from a permanent UNSC member was Russia's 151 soldiers followed by 15 soldiers from France.74

PMC’s Good – Profit Motive Good

PMC’s solve conflicts – profit motive makes up for lack of political will other militaries experience.

Fitzsimmons 5 (*Journal of Military and Strategic Studies*, Fall , Vol. 8, Issue 1, 2005 “DOGS OF PEACE: A POTENTIAL ROLE FOR PRIVATE MILITARY COMPANIES IN PEACE IMPLEMENTATION” Scott , Department of Political Science, University of Calgary, http://www.ciaonet.org/olj/jmss/jmss\_2005/v8n1/jmss\_v8n1g.pdf)KM

To provide strong security guarantees in a conflict zone, a third party intervener must be able to demonstrate resolve behind their commitments in the face of opposition.78 Executive Outcomes demonstrated resolve during its peacemaking operations in Angola and Sierra Leone through stationing a full battalion of elite soldiers with heavy air and ground combat equipment in each country or more than half of the company’s entire supply of readily available soldiers. The very presence of this force was a signal to all parties that stability and security would be provided even at a high cost. Furthermore, when EO's forces met with setbacks, such as the 20 deaths that the force suffered in Sierra Leone, the PMC pressed on and ultimately coerced the RUF to stop fighting and return to peace talks with the government.79 The 20 deaths suffered by the force in Angola appeared to strengthen rather than weaken the company's resolve to fulfill their contract. As EO's Colonel Hennie Blaauw argued, "once we had some of our people killed, they could see we were serious."80 This contrasts sharply with the UN forces' response to setbacks, for example, after the UNAMIR force experienced casualties in the spring of 1994. Following the planned murder of 10 Belgian soldiers, Brussels released a public statement on April 12, 1994, announcing that their entire force of 440 soldiers was dropping out of the mission, thus depriving UNAMIR of what was by far its strongest and most capable unit.81 The Belgian government also attempted at that time to persuade the Security Council to cancel the mission entirely, but were only successful in encouraging the mindset that led to a reduction of the mission to a mere 270 personnel.82

Profit motive is good – it provides the strongest incentive for PMC’s to fulfill their duties and actually solve conflicts.

Fitzsimmons 5 (*Journal of Military and Strategic Studies*, Fall , Vol. 8, Issue 1, 2005 “DOGS OF PEACE: A POTENTIAL ROLE FOR PRIVATE MILITARY COMPANIES IN PEACE IMPLEMENTATION” Scott , Department of Political Science, University of Calgary, http://www.ciaonet.org/olj/jmss/jmss\_2005/v8n1/jmss\_v8n1g.pdf)KM

Based on EO's performance during its peacemaking operations, it is reasonable to deduce that if a third party like the UN contracted a PMC to provide security guarantees and if payment was contractually conditioned on successfully fulfilling this task, then the PMC could be expected to fulfill the contract even in the face of opposition from the belligerents. Indeed, reputation and profit could provide even stronger motivations for successful performance in operations where a PMC is contracted by the UN because the UN could possibly award additional contracts to good performing PMCs in the future. Even a single poor performance would reduce a PMC's competitiveness against other firms vying for a finite number of peace enforcement contracts. As a result, the contracted PMC would not only be motivated to perform well in order to be paid for each individual operation, it would also be motivated to perform well in order to be considered by the UN for additional future contracts.

PMC’s Good – A2: Profit Motive Bad

No impact to profit motive claims – differences between private and public sector services don’t stem from profit, but more substantive claims.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

Public disclosure of several allegations of contractor misconduct inflamed scholars and the public alike and appeared to confirm normative suspicions. Contractors involved in the Abu Ghraib prison abuses, the alleged murder of an Iraqi official’s bodyguard, and the civilian shootings at Nisoor Square focused public attention on what several scholars called the “new mercenaries” and created new urgency in ensuring liability for contractor misdeeds.61 Apparent hesitancy of federal and military officials to file official charges against contractors accused of crimes combined with a Coalition Provisional Authority order that provided immunity to contractors for their acts exacerbated indignation and further spurred urgency for contractor accountability.62 The reaction to incidents like Abu Ghraib sparked a tendency to extrapolate the negative character of the individual contractors to the private military services industry as a whole. Normative complaints about PMCs arose, centering around characterizations that flow from their profit motive. These normative complaints, which have been woven as support for the legal and theoretical complaints covered in Part II of this Article, belie the evidence.63 If valid, these complaints should be supportable by empirical observation. That is not the case. A. The Profit Motive The concept of force privatization is rife with highly negative historical connotations due to the popular conceptions of mercenarism or soldiers of fortune.64 The profit motive concern derives from a belief that private actors are materially (and negatively) different from the public military’s citizen-soldier due to the fact that they work for companies that operate for profit.65 Under this view, these differences manifest themselves through a host of harms, including increased propensity toward violence threatening human rights and larger U.S. policy goals,66 compromising the integrity of the military, and undermining transparency and democratic norms.67 There is a core conceptual difficulty that infects all genres of privatization—assessing the impact of motivation. The core difference driving the narrative of empirical claims is situated in the difference between public sector and private sector motives.68 The private sector operates for profit. The public sector operates for the public good.69 Prognosticating as to the effects of these different motivations has been a crucial component of the privatization debate in a wide variety of regimes far afield from that of military force. The effects of differing motivations of public and private gain in privatization are a source of disagreement among scholars. As noted by Gillian Metzger, opponents of privatization typically argue that privatized services are compromised by shortcuts to fatten the bottom line while “privatization advocates maintain that, on the contrary, harnessing the profit motive of private actors and increasing competition in service provision improves the quality and efficiency of services.”70Privatization scholars have generally acknowledged that the diverging motivations of the public and private sector do not typically, in and of themselves, provide substantial insight as to the effects of privatization in delivering public goods and services.71 Instead, conclusions as to the impact of motivation are dependent on the observable subsidiary qualities of private actors engaged in delivering public services. In this context, assessing the subsidiary qualities of the private sector requires examining whether the private nature of PMCs infuses negative dynamics into dimensions more closely tied to actions of private force.72B. The Empirical Claims As Gary Becker noted, “To my knowledge there is no compelling evidence that American private guards in Iraq have been likely to behave irresponsibly, cowardly, or use excessive force. The relevant comparison would be with the behavior of soldiers in Iraq, and I do not know of such comparisons.”73 Do contractors possess traits prone to normatively undesirable behavior relative to the behavior of the public soldiers? In answering this question, dimensions of military culture, propensity for violence, and cost efficiency create the primary fields where contractor status is suspected by scholars to create normative harms.

PMC’s Good – A2: Profit Motive Bad

Profit motive arguments should be rejected – they disregard empirical and analytical analysis of the benefits of PMC’s and cause policymakers to perpetuate those flaws.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

Arguments against PMCs share a foundation characterizing the motivation of the private sector—profit—as a fountainhead of harms in projecting state force.194 This foundation should be unequivocally rejected. Emphasis on profit as the relevant factor of analysis ignores dimensions more directly indicative of the normative character of privatized services and, paradoxically, encourages policy makers to pass over decisions directly affecting the underlying policies that contractors are said to offend. Eschewing the attempt to transform profit-motive into a placeholder for other intrinsic qualities, this Article encourages a view of national security privatization firmly planted upon analytic pillars of domestic accountability and national security efficacy. The rejection of profit motive as a relevant factor in favor of the observable traits of privatized service providers avoids the theoretical and empirical fallacies outlined in Parts II and III. Further, it produces a more flexible and effective utilization of privatized military service that leads to both conventionally unsurprising and counterintuitive results.

PMC’s don’t prefer profit over peace – they don’t intentionally aggravate conflict to increase profits.

Avant 6 (Deborah political science and international affairs @ George Washington University, “Think Again: Mercenaries”, May 26, http://www.npr.org/templates/story/story.php?storyId=5433934)KM

"Contractors Value Profits More than Peace" Not always. Although many critics argue that military contractors have an economic interest in prolonging conflict rather than reducing it, employees of private military companies rarely have been accused of aggravating conflict intentionally to keep profits flowing. Indeed, many human rights advocates regard such organizations as a way to hasten interventions that Western powers might otherwise avoid, such as the 1994 genocide in Rwanda.

PMC’s Good – Bureaucracy

PMC’s avoid government bureaucracy.

McCormick Tribune Foundation 6 (“Understanding the Privatization of National Security” http://www.mccormickfoundation.org/publications/privatization2006.pdf)KM

Participants noted that government bureaucracy is often the root cause of outsourcing decisions. Because it’s difficult and time-consuming to get approvals through military bureaucracies and government agencies, contractors can often get the job done more quickly and easily—and they are also more flexible in responding to changing conditions. “A lot of the reason we’ve gone to contractors is because our civil service system is dead on arrival,” suggested one military expert. “I don’t know how many meetings I’ve sat in when they ask, ‘Why are you contracting?’ and they said, ‘Because it is too hard, number one, to hire, and it’s too hard to fire.’ It’s just become a reality to get around the problems with our own system.” “There are many great people in the Pentagon,” a PMC executive added. “But they’re trapped in layers and layers of bureaucracy.”

PMC’s Good – Prolif

PMC’s are critical to US counterproliferation efforts.

Smith 4 (Richard Victor University of Western Ontario “Can Private Military Companies replace Special Operational Forces?” http://www.cda-cdai.ca/cdai/uploads/cdai/2009/04/smith04.pdf)KM

In the case of the United States the Defense Threat Reduction Agency (DTRA) was created on October 1, 1998 as part of the Defense Reform Initiative of the DoD. Its mandate is to coordinate DoD counterproliferation elements "into a single focal point, creating synergy between the programs and providing onestop shopping for information."36 DTRA involves several DoD entities that focus on "arms control verification, acquisition and development of counterproliferation technology, and implementation of the Cooperative Threat Reduction program." 37 This counterproliferation effort involves military and civil service personnel as well as government experts from other agencies, industry and academia. As early as 1999, this counterproliferation effort involved private advisors and private military contractors.38 The clearest way to example the role that these contractors take on in counterproliferation is to examine the disposing of Iraq munitions and weapons. On September the 14th , one American private military contractor was killed and two were wounded by a terrorist attack that Tuesday morning, north of Baghdad. These three men were employees of EOD Technology, Inc. and were working in Iraq under contract to provide project specific security to the Project and Contracting Office (PCO), formerly the Coalition Provisional Authority.39 In March, United States Army Corps of Engineers awarded a contract worth $3.45 million to help clear ordnance and explosives from Iraq. Under a pre-existing contract, EODT has also received tasks orders worth at least $66,947,670.95 for the disposing of Iraq munitions. 40

PMC’s Good – Terrorism

PMC’s key to war on terrorism.

Smith 4 (Richard Victor University of Western Ontario “Can Private Military Companies replace Special Operational Forces?” http://www.cda-cdai.ca/cdai/uploads/cdai/2009/04/smith04.pdf)KM

Combating Terrorism Similar to counterproliferation, combating terrorism also makes use of PMCs to augment SOF involvement. It has been estimated that the United States spends at least 30 cents on the dollar for PMCs in the fight against terrorism.41 The United States current War on Terrorism has provided according to D. B. Des Roches, spokesman for the Pentagon's Defense Security Cooperation Agency, an active source of employment for PMCs.42 "Contractors are indispensable," said John J. Hamre, deputy secretary of defense in the Clinton administration. "Will there be more in the future? Yes, and they are not just running the soup kitchens." From cleaners to providing protection to valuable public works, Private Military Corporations are filling an important necessitate for the war on terrorism. The United States department of defense issued two contracts worth $2,608,794.74 for MPRI to devise a plan to put ex-soldiers to work on public works programs.43 Military Professional Resources Incorporated (MPRI) is corporately structured "with a Board of Directors, President, Chief Financial Officer, corporate staff, three operating groups, and a full time staff of 800…MPRI provides an extensive array of services, including training and education, simulation and war gaming support, equipment fielding support, democracy-transition assistance, peacekeeping and humanitarian aid, antiterrorism, force protection, consequence management, and non-military services."44

PMC’s Good – Key to Heg

And, contractors are key to US heg

Scahill 7 (Jeremy, Puffin Foundation Writing Fellow at The Nation Institute, is the author of the bestselling Blackwater, *The Independent,* Aug 10, http://www.uruknet.info/?p=35239 ) ET

"To the extent a population is called upon to go to war, there is resistance, a necessary resistance to prevent wars of self-aggrandizement, foolish wars and in the case of the United States, hegemonic imperialist wars. Private forces are almost a necessity for a United States bent on retaining its declining empire. Think about Rome and its increasing need for mercenaries."

And, getting rid of PMCs would destroy the military- downsizing

Lendman 10 (Stever, MA @ Harvard, *Steve Lendman Blog*, jan 19-10) ET

In the 1991 Gulf War, the Pentagon employed one PMC operative per 50 troops. For the 1999 Yugoslavia conflict, it was one for every 10, and by the 2003 Iraq War, PMCs comprised the second largest force after the US military. They've also been used in numerous civil wars globally in nations like Angola, Sierra Leone, the Balkans throughout the 1990s, Papua New Guinea, and elsewhere. From 1990 - 2000, they participated in 80 conflicts, compared to 15 from 1950 - 1989. Singer cites three reasons why, combined into "one dynamic:"

1. Supply and demand Since the Cold War ended in 1991, the US military downsized to about two-thirds its former size, a process Dick Cheney, as defense secretary, called BRAC - Base Realignment and Closure, followed by privatizing military functions. But given America's permanent war agenda, the Pentagon needed help, especially because of the proliferation of small arms, over 550 million globally or about one for every 12 human beings, and their increased use in local conflicts.

PMC’s are used more than military forces- Iraq and Afghanistan

Lendman 10 (Stever, MA @ Harvard, *Steve Lendman Blog*, jan 19-10) ET

In 2005, 80 PMCs operated there with over 20,000 personnel. Today, in Iraq and Afghanistan combined, it's grown exponentially, according to US Department of Defense figures - nearly 250,000 as of Q 3, 2009, mostly in Iraq but rising in Afghanistan to support more troops. Not included are PMCs working for the State Department, 16 US intelligence agencies, Homeland Security, other branches and foreign governments, commercial businesses, and individuals, so the true total is much higher. In addition, as Iraq troops are drawn down, PMCs will replace them, and in Afghanistan, they already exceed America's military force.

A2: PMC’s Bad – Violence

PMC’s don’t have a propensity for violence – they generally employ retired soldiers and demand high levels of experience.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

2. A Propensity for Violence? The claim that private actors threaten human rights and larger U.S. policy goals emanates from a presumption that contractors are intrinsically more likely to use force, both lawful and unlawful, in the field.97 At the institutional level, the perceived propensity for violence stems from the tie between destruction in the field and the need for reconstruction contracts. At the individual level, critics suspect that selection effects and responsibility to private authorities for job performance result in a contracting base that is especially prone to violence and is apathetic toward larger collective policy goals. Gideon Sjoberg has characterized the institutional concern as a military animation of “Joseph Schumpeter’s concept of creative destruction as the foundation of capitalist endeavor takes on new meaning in Iraq: the greater the destruction the greater the demand for goods and services.”98 Under this view, PMCs are inclined to inflict more damage than necessary as part of a larger commercial incentive to reap the benefits of the reconstruction contracts that would follow. The quintessential example of this pattern is Halliburton, which has garnered over $15 billion in reconstruction contracts in Iraq, often through no-bid administrative award processes.99 As part of their reconstruction costs, Halliburton sub-contracts security services to other PMCs like Blackwater Worldwide.100 In a different but related vein, MPRI, which offers a diverse portfolio of military services, has been accused of manipulating information of foreign political circumstances to secure foreign military training contracts, the result of which potentially increased the level of fighting on the ground.101 At the individual level, it is commonly accepted that “security contractors are more likely to commit violations of the laws of war when they become involved in difficult security operations.”102 The “prone to violence” claim against PMCs has also been cited by legislators as a fundamental basis for barring PMCs from certain activities.103 The data, however, does not bear out these claims. The likelihood of both PMCs and public soldiers using violence, especially unlawful violence, reflect independently associated variables such as training level and military experience.104 As in the public military, PMCs possess varying degrees of training and military experience. Over seventy percent of the PMCs employed in Iraq are believed to have served in a Western military institution.105 During the course of their military service, many future contractors act as part of their military’s special operations forces, requiring the highest level of training one typically receives in military life.106 Private contractor experience also provides crucial experience in military-oriented nation building roles, such as civilian policing, of which the public force is otherwise completely bereft.107

Demographics prove – PMC’s steer clear from illegal or unnecessary violence.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

Other demographic factors also tend to indicate that PMCs—especially security contractors—are no more likely to engage in unlawful violence in their employment. Demographic factors of age, education, marital status, and the presence of children correlate with a lower likelihood to engage in crime generally, and unlawful violence in particular.110 PMCs serving abroad are on average 54% older than their public soldier counterparts (averaging 40 years old in comparison to 26 years old for public soldiers in the Army).111 Contractors are more than twice as likely to have a post-high school diploma (67% of civilian contractors possess a post-high school diploma, compared to 32% of soldiers in the Army).112 PMCs are also more than twice as likely to be married at the time of their service (73% to 44%)113 and are almost twice as likely to have children than those in the public military (1.2% to 0.64%).114

A2: PMC’s Bad – Violence

PMC’s are driven by the desire to serve the public good – private motive arguments don’t apply.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

One might think that the overarching profit-motive aspect of private actors may somehow create selection effects that would render traditional gauges of violence propensity inapplicable. Specifically, the idea that PMCs work for monetary gain is manifestly different than the motivating factors for public troops.115 Such analysis ignores empirical evidence that pecuniary gain also serves as the predominant reason for individuals to join (and remain in) the armed forces. Similarly, the desire to serve the public good represents an equivalent reason for PMCs to become public soldiers and enlist.116

Inherency – Squo Solves

And squo solves- PMCs are being regulated successfully now

Oritz 10 (Carlos- federal prosecutor, feb 13, *Global Regulation*, http://www.privatemilitary.org/publications/ortiz\_2004\_regulating\_private\_military\_companies.pdf ) ET

A flexible regulatory mechanism would be one that adequately mediates between these contradictory requirements. With this unstable resolution in mind, attempts at regulation by three of the main suppliers of PMCs are examined below. These attempts illuminate the implications of regulation for the state in the post-Cold War global political economy. The US government appears to have the most mature relationship with PMCs, and its regulatory regime is 'probably the most developed and comprehensive' (House of Commons, 2002: 27). US legislation concentrates on regulating the export of defence articles and services, whether provided by individuals, PMCs, security firms, defence contractors or any other (legal) persons. Defining the service provider (for example, as a PMC or as a security firm), is not an issue contemplated in the legislation. Thus expansion and consolidation of service providers across sectors, as detailed in our first section, does not affect the enforceability of regulations. It is an adaptive regulatory framework that is updated when required to reflect changes in American foreign policy goals and the international political climate.5 Here we see how an effective national regulatory model may spill over to other countries. South Africa emulated the US model with the implementation of a regulatory regime sanctioning PMC activity in 1998. The UK is likely to follow the trend. These countries constitute three of the major suppliers of PMCs. Therefore, their attempts at regulating PMCs are likely to set a precedent for other suppliers that are yet to tackle the issue.

Inherency – Squo Solves

And, squo solves- Montreux Document regulates contractors

Lendman 10 (Stever, MA @ Harvard, *Steve Lendman Blog*, jan 19-10) ET

The 2008 Montreux Document is an agreement obligating signatories with regard to their PMCs in war zones. Seventeen nations ratified it, including America, Britain, France, Germany, Switzerland, Canada and China, pledging to promote responsible PMC conduct in armed conflicts. Divided in two sections, its first one covers international laws binding on private contractors, explains states can't circumvent their obligations by using them, requires they take appropriate measures to prevent violations, address them responsibly when they do, and take effective steps to prevent future occurrences. The second section lists 70 practices for helping countries fulfill their legal obligations, including not using PMCs for activities requiring force, implementing effective control, using surveillance and sanctions in case of breaches, and regulating and licensing contracted companies, that in turn, must train their personnel to observe the rules of law. Given the obvious conflicts of interest, self-regulation won't work. Unchecked, combatant PMCs are accountable only to themselves, operating secretly outside the law - for the Pentagon as an imperial tool.

A2: Solvency – Withdrawal Bad

Withdrawal of PMC’s is used as a political tool to usurp leadership of weaker nations, the plan would be as bad as the harms.

Dela-Cruz 2008 (Special Agent Derek, “SHOULD THE U.S. DEPARTMENT OF STATE CONTINUE TO USE PRIVATE SECURITY CONTRACTORS TO PROTECT U.S. DIPLOMATS”, 13-06, http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA483041&Location=U2&doc=GetTRDoc.pdf)KM

In 1998, President Jean-Bertrand Aristide contracted the Steele Foundation to provide physical security for him after deeming his own countries police and security capabilities inadequate. The U.S. State Department blessed this business transaction as the United States, at the time, was committed to keeping Aristide in power.56 By 2004, however, after the exiled return of Guy Philippe, a former police commissioner, and a series of coup attempts, Aristide “had been so marginalized he no longer served the needs of the United States.”57 In fact, Aristide was surprised when U.S. Ambassador James Foley telephoned him from the U.S. embassy in Port-Au-Prince at 0500 hrs on February 28, 2004 to tell him the U.S. embassy would be announcing his resignation. Publically, the U.S. claimed it had a moral opportunity to end the civil strife, violence, and the killing of thousands of Haitians by encouraging Aristide’s swift departure.58 A short time after Ambassador Foley’s phone call, a member of Aristide’s detail, composed of Steele Foundation’s independent contractors, notified him his presence was requested the U.S. embassy. Assuming Ambassador Foley wanted to meet with him personally, departed home with his motorcade and protection detail, but was shocked when he arrived at the airport rather than the embassy. At the airport, he and his entire detail, to include the wives and families of his detail members boarded the airplane and flew to Miami. He eventually flew to the Central African Republic where he was welcomed by President Francois Bozize as an exile from Haiti.59 Aristide accused the U.S. of kidnapping him. However, the U.S. government officially claimed Bertrand’s allegations were ‘nonsense.’ Then Secretary of State Colin Powell stated, “He was not kidnapped. We did not force him on the airplane. He went on the plane willingly.”60 24 The CEO of the Steele Foundation, Ken Kurtz, refused comment. Hart Brown, one of the contractors that escorted Aristide on the plane, stated, “At the end we all knew that there might be a conflict of interest. When the State Department asked Aristide to step down, he refused and was flown to Miami…it was a decision taken at the corporate level in order to keep further contracts.”61 The Aristide example demonstrates how the United States, rather than being perceived as supplanting a weaker nation’s leader with one it prefers, can use the forced withdrawal of PSCs as an American export as a means to project foreign policy. In this way, the resultant change in the political landscape of the international community was only a ‘corporate decision’ driven by economics rather than a unilateral effort to impose American will upon a smaller, weaker nation. Pelton states it even more succinctly when he says PSCs allow the U.S. government to outsource not just key military functions, but to “outsource fault” as well.62

If PMC’s were fired, they would fight for worse causes

Singer 7 (P.W. Director, 21st Century Defense Initiative, Brookings Institution Monday, October 8, http://www.washingtonpost.com/wp-dyn/content/discussion/2007/10/05/DI2007100501642.html TBC 6/25/10)

We have not yet seen that with American contractors coming from Iraq. There was an incident with a few South African contractors who, while on leave from work in Iraq, were reportedly part of the group that tried to topple the government of Equatorial Guinea a few years back. Whether you saw that as a good or bad attempt depends on whether you are a fan of sovereignty or whether you like dictators (it was a profit-motivated coup, but the target was a dictator). What we have to be worried about in the future is what happens as the business in Iraq dries up. In history, when major wars end, most soldiers go home, but a few don't and fight in wars elsewhere (our filibusters in Latin America after the civil war, for example). Most firms will shrink and seek business elsewhere. Some will find success and some may not. A worry is that a few might go "down market." Most firms would prefer to work with the U.S., but in the past some firms also have worked for warlord groups, dictators, two separate Colombian drug cartels, and, prior to Sept. 11, even two jihadi groups.

A2: Solvency – Regulation Bad

The aff’s justifications for limiting PMC’s disregards the benefits they bring, inevitably creating failed policy.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

A. The Consequences of Prohibiting Privatizing National Security Functions The surge of commentary condemning privatized military functions has sparked federal legislation prohibiting certain varieties of contractors, held up high-level military appointments, and influenced Blackwater, one of the nation’s largest military security contractors, to announce it was moving away from security work in favor of other business opportunities.195 Determining the effects of using private actors makes policy, as it should; but incorrect or poorly established determinations make bad policy. Legislation introduced in the U.S. Senate in August 2008, entitled the “Restoring America’s Integrity Act” (“RAIA”), prohibits contractors from engaging in interrogation.196 Announcing the legislation, Senator Diane Feinstein stated that, “I also believe that the use of contractors leads to more brutal interrogations than if they were done by Government employees.”197 In the same statement, Senator Feinstein noted, “We remain a nation at war, and credible, actionable intelligence remains a cornerstone of our war effort.”198 The wisdom of legislation like RAIA depends on a conclusion that privatized national security providers (either as institutions or through individuals) are “different” from public troops in a way that accrues negative consequences. Not only is the data supporting this suspect, but moreover, the legislation ignores the efficacy of bringing private sector benefits to bear on a very public problem. Private intelligence contractors often possess more experience in interrogation than their military counterparts.199 That experience is usually gained through work in the domestic criminal law enforcement realm, where they are trained to conduct their interrogations in accordance with heavy domestic restrictions. These intelligence contractors also tend to have specialized language skills that make their services highly profitable and portable.200 A failure to address efficacy gains of the privatization represents a failure to understand the parallel tracks of efficiency in relationship to accountability. An appropriate analysis of national security privatization creates a direct comparison between the benefits accrued by privatization against the potential harms unique to privatization.

The aff’s legislating of PMC’s out of existence is immoral – they’re the only realistic check on global genocides because armies are unwilling.

Brooks 2 (Doug President, International Peace Operations Association (IPOA) “Protecting People: the PMC Potential” 25 July http://www.hoosier84.com/0725brookspmcregs.pdf)KM

What is abundantly clear is that the West has largely abrogated any responsibility to directly assist with enhancing security and stability in developing countries, and millions of people are suffering as a result. If private firms can address this demand for security either by protecting economic assets and humanitarian operations while still making a profit, then they should be supported, not hindered. In some cases private firms have been all that stood between peace and humanitarian catastrophe. Legislating these firms out of existence without providing a realistic alternative would be just plain immoral. Those critical of “PMC peacekeeping” must articulate alternatives. They must prove that the theoretical potential harm outweighs the enormous potential benefit. The current reality is that ineffective peacekeepers make for ineffective peacekeeping and absent armies make for unchecked genocides. PMCs offer a ready and willing option and are prepared to support appropriate regulations on their operations.

A2: Solvency – No Regulation Solves

Regulation is not necessary – PSC’s engage in dialogue with NGO clients and solve back the harms.

Brooks 2 (Doug President, International Peace Operations Association (IPOA) “Protecting People: the PMC Potential” 25 July http://www.hoosier84.com/0725brookspmcregs.pdf)KM

PSCs provide (usually) armed protection, most often for other companies rather than states. This protection can be similar to private security guards common in western nations, or more likely, a higher level of armed security capable of defending against attacks by guerilla forces. Some of these companies have contracts guarding embassies and humanitarian operations. Usually the technique is for the company to provide a few managers with Western military backgrounds who then train scores or even hundreds of locals to make up the vast bulk of the manpower. These companies do not undertake offensive military actions. While it is conceivable that some regulation might be useful, in fact informal voluntary agreements between the NGO community and PSCs1 mean that such regulation is not critical and may in fact reduce the level of flexibility that makes these agreements possible. Finally it should be noted that a number of PSCs are quick to emphasize they are not PMCs. They fear the “mercenary moniker” that the more sensationalist academics and journalists utilize to demonize the companies. That kind of label could easily damage the reputation of a company doing legitimate contracts with NGOs, governments or the UN.

A2: Presidential Powers Adv.

**The aff is just wrong – DoD regulation mandates Congressional consultation on the delegation of contractors – that checks executive power**

Petersohn 8 (Ulrich, Weatherhead Center for International Affairs @ Harvard, http://tinyurl.com/268qklp)JFS

DoD regulations offer another avenue for approaching the classification of core functions. According to the Subdelegation Act, the president has the authority to delegate power to other officials. While on the surface this act appears to empower the chief executive, it can also be seen as a limitation of executive power. In addition, the transfer of inherent governmental functions is allowed to official hands only, but not to private entities—at least not without consent of the Congress (Verkuil 2007, 123).

A2: Presidential Powers Adv. – **Congress Controls PMC’s**

**Congress has the power to regulate PMCs**

Svoboda 8 (Sandra, Private Forces.com, 5/9, Metro Times staff writer, http://www.privateforces.com/index.php?option=com\_content&task=view&id=1761

Legislation is pending that would strengthen accountability. In February, U.S. Sen. Barack Obama (D-Ill.) introduced a bill that would require better oversight of private military corporations who are operating under federal contracts. The legislation would require multiple reporting and establish rules of engagement for contractors. The bill was referred to the Senate Armed Services Committee, chaired by Sen. Carl Levin, a Michigan Democrat. He refused requests for interviews by Metro Times. No hearings are scheduled. U.S. Rep. John Conyers, D-Detroit, was one of the co-supporters of the House version of the bill. Through a spokeswoman, he too declined requests for an interview. Scahill, for his part, doesn't believe legislation will improve oversight and accountability. "The Democrats and some Republicans are struggling to try and figure out a system to effectively monitor 143,000 people in a war zone. I don't think there's any system that could oversee a private force," he says. Using private contractors isn't anything new for the federal government — including the Department of Defense. Brooks, from the industry association, says about 80,000 privately contracted employees did logistics work during the Vietnam War. But there's no doubt it's a growing industry. A Congressional Research Service report released in January called "Defense Contracting in Iraq: Issues and Options for Congress" found an 88 percent increase between 2000 and 2005 in the dollar amount of U.S. defense department contracts for goods and services overall. What's different now is how the money is being spent. "There has been a substantial shift in the types of contracts for troop support services, the size of the contracts, and the lack of effective management control over the administration of the contracts, and the oversight of the contractors," the report stated. "These new contracts have characteristics that make oversight difficult." According to the report, the majority of troop support services contracts in Iraq have not been competitively bid. It cites congressional concern that the contracts are "expensive and difficult to manage"; public agencies and private organizations have cited instances of waste and fraud.

Congress can regulate PMCs- empirically proven

Harwood 8 (Matthew, journalist, Security Management, 2/27, http://www.securitymanagement.com/news/congress-tries-get-grip-private-security-firms)

Congress today tackled the U.S. military's growing reliance on private security contractors (PSCs) and how to regulate and hold them accountable when deployed overseas to support U.S. military operations. The hearing comes after the September 17, 2007 incident in which Blackwater Worldwide contractors guarding a U.S. State Department convoy fired into a crowd in Baghdad, killing 17 Iraqis. According to reports from the department of Justice and Defense (DoD), at least 14 deaths were unprovoked. The incident led Congress to investigate the U.S. military's growing reliance on private security contractors and the lack of oversight and accountability standards governing their conduct. As the military shrinks, non-combat functions such as guarding critical infrastructure, protecting American and foreign officials, and escorting convoys has been outscourced to PSCs.

A2: Presidential Powers Adv. – Congress Controls PMC’s

Congress has power over contractors- seeking legislation

Lubold 10 (Gordon, staff writer, 2/24, Christian Science Monitor, http://www.csmonitor.com/USA/Military/2010/0224/Blackwater-fallout-Senate-moves-to-rein-in-military-contractors)

After several incidents of misbehavior in Afghanistan involving the military contractor Blackwater and its employees, US lawmakers are moving to provide greater oversight of an industry that, while key to American military success, may also be undermining the mission there. Even as US forces in Afghanistan operate under orders to protect Afghan civilians, erring on the side of caution and even holding their fire rather than risk harming them while fighting Taliban insurgents, concern is mounting that civilian contractors operate under a different set of rules – or simply don't follow the rules. “If we don’t fix the problems of oversight and make sure contractors like Blackwater play by the rules and live up to their commitments, we’ll be doing a disservice to our troops by making their already-difficult and dangerous job even more so,” said Sen. Carl Levin (D) of Michigan. Senator Levin, chairman of the Senate Armed Services Committee, takes up the topic at a hearing Wednesday. Other lawmakers this week introduced legislation to prevent the American military from “outsourcing” security missions to contractors

PMCs answer to Congress- legislation solves

Wayne 2 (Leslie, award-winning business reporter, 10/13, New York Times, http://www.commondreams.org/headlines02/1013-01.htm)

Only a few members of Congress have expressed concern about the phenomenon. "There are inherent difficulties with the increasing use of contactors to carry out U.S. foreign policy," said Senator Patrick J. Leahy, Democrat of Vermont and the chairman of the foreign operations subcommittee. "This is especially true when it involves `private' soldiers who are not as accountable as U.S. military personnel. Accountability is a serious issue when it comes to carrying guns or flying helicopters in pursuit of U.S. foreign policy goals." In the House, Representative Jan Schakowsky, an Illinois Democrat, led the battle against a Bush administration effort to remove the cap that limits the number of American troops in Colombia to 500 and private contractors to 300. "American taxpayers already pay $300 billion a year to fund the world's most powerful military," Ms. Schakowsky said. "Why should they have to pay a second time in order to privatize our operations? Are we outsourcing in order to avoid public scrutiny, controversy or embarrassment? Is it to hide body bags from the media and thus shield them from public opinion?"

Congress oversees PMCs- can always pass laws

Hill 8 (Nathan, US Army War College student, 3/15, http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA479000)

Contractors require oversight, and may not be getting enough. There is great concern over the shortage of contracting officers operating at home and abroad. Former Pentagon acquisition chief Jacques Gansler recently led a study commission and confirmed the following, “lax government administration of war zone contracts created a climate of corruption, resulting in fraud, waste and abuse.”28 This lack of oversight has the attention of the U.S. Congress. According to Congressman David 9 Price’s official web site, “Congress will soon send the President two major bills to significantly improve the government’s lax management and oversight of private security contractors.”29 Both bills (H.R. 1585 and H.R. 2082) together will provide Congress with better information on contractor hiring and contractor activities and will have the effect of keeping “armed contractors on a tighter leash.”30

A2: Presidential Powers Adv. – Congress Controls PMC’s

PMCs are the legislature’s territory- can investigate crimes

Chatterjee 6/23 (Pratap, freelance journalist and senior editor at CorpWatch, http://corpwatch.org/article.php?id=15604)

In November 2009, Aram Roston in the Nation magazine, published a startling charge: The trucking and security contractors were paying off warlords, and perhaps even the Taliban. On Tuesday, a new report by U.S. Congressional investigators: “Warlord, Inc. Extortion and Corruption Along the U.S. Supply Chain in Afghanistan,” confirmed Roston’s allegations. The six-month investigation was conducted by the staff of the House Subcommittee on National Security and Foreign Affairs, which is chaired by John Tierney, (D-MA). “The HNT contractors and their trucking subcontractors in Afghanistan pay tens of millions of dollars annually to local warlords across Afghanistan in exchange for “protection” for HNT supply convoys to support U.S. troops,” wrote the investigators in the 79-page report. “Within the HNT contractor community, many believe that the highway warlords who provide security in turn make protection payments to insurgents to coordinate safe passage.” Memos show that occasionally the contractors even worked with the insurgents to shakedown the U.S. military for more money. The report comes on the heels of a two-day hearing in the U.S. Congress by the Commission on Wartime Contracting into abuses – including multiple charges of killings of civilians – by private security contractors hired by the State Department and the Pentagon in Iraq.

Congress has jurisdiction over PMCs- power to reject investigation means power to investigate

Meeropol 6 (Michael, professor of economics, 10/6, http://wneconomics.blogspot.com/2006/10/why-are-some-members-of-congress.html

Did you know that the US Congress has rejected efforts to punish, investigate and criminalize war profiteering? Yes, that’s right. This past February, the House on a mostly party-line vote rejected an effort to forbid expenditures from going to any contractor, “…if the Defense contractor audit agency has determined that more than $100,000.000 of the contractor’s costs involving work in Iraq … were unreasonable.”[1] Meanwhile, the Senate on an equally party-line vote, rejected an amendment to an appropriation bill “to prohibit profiteering and fraud relating to military action, relief and reconstruction…”

A2: Presidential Powers Adv. – Accountable

New codes of conduct builds credibility by holding contractors and the military to the same standard

French 8 (Lance R., Major in Air Force, 4/23, http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA484302)

Joint Publication 3-0 states the purpose of legitimacy is “to develop and maintain the will”35 necessary to achieve the objective. The “will” refers not only to the fighting force’s own military and citizens, but also coalition partners and world opinion in general. To keep a coalition together a commander must ensure the legitimacy of the operation is never threatened. This can happen if the objectives are altered or if the tactics and procedures to achieve the objective change in relation to the coalition approved objectives and procedures. In the case of contractors on the battlefield, using contractor personnel to engage in functions that appear to be combat related can have an effect on perceived legitimacy. The actions of combatants during armed conflict are governed by a set of rules called the law of international armed conflict.36 Because there is debate whether contractors are combatants or non-combatants, their use may be viewed as a way to get around this set of rules. News reports have surfaced that some contractors deployed with the force have engaged in activities that otherwise would be punishable if a military person had committed the act. In a recent hearing, the Chairman of the Oversight and Government Reform Committee, Representative Henry Waxman, told the story of a drunken employee of Blackwater (contractor providing security services in Iraq) who shot and killed the guard of the Iraqi Vice President. The shooting occurred not while the contractor was on a mission, but inside the protected Green Zone. The only punishment the contractor received was that he lost his job. Representative Waxman noted the legal inequality, “If a drunken U.S. soldier had killed an Iraqi guard, the soldier would face a court martial.”37 As a result of incidents like this, Congress reacted. In the 2007 National Defense Authorization Act, Section 552 was added: SEC. 552 CLARIFICATION OF APPLICATION OF UNIFORM CODE OF MILITARY JUSTICE DURING A TIME OF WAR. Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking “war” and inserting “declared war or a contingency operation”. 38 Before the 2007 NDAA was enacted, civilian contractor personnel accompanying the force fell under the jurisdiction of the Uniform Code of Military Justice (UCMJ) only in times of declared war. Now, however, contractor personnel fall under the jurisdiction of the UCMJ in times of declared war or a contingency operation. Therefore, contractors deployed with the force can now be held accountable to the same legal standard as the military force. Consequently, Secretary of Defense Robert Gates issued a memo to his service secretaries and commanders of the combatant commands to ensure they were all aware of the change to the UCMJ. Secretary Gates left no room for interpretation, “I expect commanders and their law enforcement authorities to act accordingly.”39 This change will have a profound effect on the United States’ struggle with legitimacy in Iraq. While the concept of legitimacy has many dimensions, by ensuring the entire force of the Department of Defense (military, civilian and contractor) is held accountable to the same legal standard, the DoD builds credibility by demanding a single standard of conduct for all persons in the theater of operations.

Contracting reforms hold PMCs accountable

OMB Watch 8 (nonprofit research and advocacy organization to promote governmental transparency and accountability, 8/5, http://www.ombwatch.org/node/3157)

When President Bush signed the FY 2008-2009 war supplemental bill into law on June 30, he approved a pair of contracting reforms that had long been stalled in Congress. The enactment of these provisions has validated the legislative strategy of reform-minded legislators to pass federal contracting measures. After the House passed a series of contracting reforms in April, the measures were held up in the legislative logjam in the Senate. Nevertheless, the bills' sponsors worked doggedly in the 2008 legislative year to attach these non-controversial contracting reform bills to other legislation that would likely get through the Senate and be signed into law by the president. When OMB Watch reported on this strategy in May, one such contracting reform bill had already been signed into law, suggesting that the coattail strategy would yield results. In the last two months, two additional reforms have become law. The two measures enacted with the war supplemental are part of a raft of bills offered by several members of Congress in the past two years aimed at bringing accountability and transparency to the federal contracting process. The first of these provisions, the Close the Contractor Loophole Act of 2007 (H.R. 5712), holds contractors working oversees to the same fraud reporting requirements as contractors performing work in the U.S. The second, the Government Contractor Accountability Act (H.R. 3928), requires private contractors that receive more than 80 percent of their revenue from federal contracting and at least $25 million in federal contracts to report the names and salaries of their five highest-paid executives. These two reforms were attached to multiple bills between the time they were passed by the House on April 23 and when they were signed by the president on June 30. After House passage, both bills were attached to the FY 2009 Defense Authorization Act. However, when it became clear that expedient passage of the Defense reauthorization bill in the Senate was not guaranteed, House contracting reformers hedged their bets by also attaching the provisions to the war supplemental. After a tortuous path to passage, the supplemental was signed into law.

A2: Presidential Powers Adv. – Alt Cause – List

McChrystal, financial reform, and the oil spill all show alt causes to the assertion of Obama’s power

Sanger 6/25 (David E., writer for NY Times, http://www.nytimes.com/2010/06/26/us/politics/26assess.html) GAT

After two months in which an oil gusher seemed to underscore the limits of his powers, President Obama spent the last week trying to reassert control over a triumvirate of forces that almost always test a new president’s authority: the military, the markets and the lobbyists. His firing of Gen. Stanley A. McChrystal for what appeared to be an attitude of disrespect and disdain for the civilian chain of command does not make success in Afghanistan any more likely. The financial regulatory bill that was agreed upon in Congress on Friday reverses two decades of increasingly blind faith in the ability of financial markets to regulate themselves, but few think it will stop Wall Street’s constant effort to route around Washington in pursuit of profits. Still, add those together with the use of raw presidential power to force BP to set up a $20 billion fund for victims of the disaster in the Gulf of Mexico, and the conclusion is unmistakable. George Bush and Dick Cheney may have left the White House, but the need for an extraordinarily strong executive lives on. “This is a clear respite from the theme that Obama had lost control,” said David Rothkopf, a former Clinton administration official who wrote the definitive history of the National Security Council, the organization American presidents have used for 60 years to assert authority around the country and the world. “He sent a loud and clear message to the generals about who is in charge. And he has engineered a pivot-point in U.S. economic history, an end, or at least a big change, to the ‘leave it to the markets’ era.” The White House certainly has an enormous interest in portraying Mr. Obama as a president who has grown comfortable with his powers and is unafraid to exercise them. They conceded that Mr. Obama had no legal basis to force BP to create the $20 billion fund; they said he was making a moral argument, and used the jawboning power of the presidential pulpit to push the company. One top national security aide noted to a reporter on Wednesday that the decision to oust General McChrystal and replace him with Gen. David A. Petraeus was “considered, decided and executed in less than 36 hours” and sent a message that the president would not tolerate what he called “division” in the ranks of his team after he had set strategy. And the financial regulatory bill, they argued, got stronger in the last few weeks, leading Mr. Obama to boast at the White House that it was “the toughest financial reform since the one we created in the aftermath of the Great Depression.” He can rightly claim that the bill actually got stronger as it worked its way through Congress rather than having the legislation eroded as one lobbyist after another found a way to carve exceptions. (The exception to that rule was the handling of derivatives, a business the banks get to keep, even if they have to operate under new restrictions.) “I think we used this week or so not only for a reassertion of executive authority, but as an demonstration that, when presidential power is judiciously applied, you can get a lot done,” said Rahm Emanuel, the president’s chief of staff, who argued for a more confrontational approach to BP and for General McChrystal’s ouster. He described financial reform legislation as one of five pillars of “a new foundation” for the economy, after the stimulus package, the health care overhaul and the re-engineering of college aid. (The fifth, an energy bill, may prove the hardest.)

A2: Presidential Powers Adv. – I/L – Oil Spill

Even if the situation demands increased executive action, Obama is quite powerless – oil spill proves

Pendlebury 10 (Steve, Editor for AoL news, http://www.aolnews.com/the-point/article/bp-oil-spill-disaster-shows-limits-of-president-obamas-power/19499068) GAT

As President Barack Obama struggles to come to grips with the slippery mess in the Gulf of Mexico, it remains unclear exactly what he can do to stop the oil that's been gushing from a shattered BP well for six weeks. "I take responsibility," Obama said Thursday at a news conference. "It is my job to make sure that everything is done to shut this down." Carol Browner, the president's chief energy policy adviser, insisted as she made the rounds of weekend talk shows that the federal government has always been in charge of the situation. But the president "is not legally in charge," Clinton administration Labor Secretary Robert Reich pointed out on his blog. "As long as BP is not under the direct control of the government, he has no direct line of authority, and responsibility is totally confused," wrote Reich, who's now a professor of public policy at the University of California at Berkeley. The only way to make sure the president is "ultimately in charge" and that BP is working in the interest of the American public instead of its stockholders, Reich said, is for Obama to take over the oil giant's operations in the Gulf until the crisis ends. If the government can take over AIG and General Motors to prevent a financial meltdown, "it should be able to put BP's North American operations into temporary receivership in order to stop one of the worst environmental disasters in U.S. history," Reich argued. Robert Kuttner, co-editor of The American Prospect, also drew comparisons between the oil spill and Wall Street's near-collapse. In both cases, he said in a Huffington Post column, "a powerful, politically protected industry invented something that could not easily be repaired when it broke," and both calamities could have been prevented if laws that are already on the books had been enforced. "And if the administration does not pick up its game, the tea party right will make the gulf catastrophe Obama's fault, just as it has made the slow pace of recovery and the bank bailouts Obama's fault," Kuttner warned. "If a bank is too big to fail, it's way too big to exist. If an oil well is too far beneath the sea to be plugged when something goes wrong, it's too deep to be drilled in the first place," declared New York Times columnist Bob Herbert. BP and the White House have been "equally clueless" about how to stop the spewing crude, said Herbert, who called for "dynamic leadership" to address the nation's dependence on oil. Kuttner agreed, saying the president "seems congenitally unable to rise to the occasion" and use this disaster to change public opinion. "If ever there were a moment to make clear that our energy future cannot be left to the energy industry, and to rally the public on behalf of a long-term shift away from carbon fuels to renewable sources, it is now," Kuttner wrote. Obama has "looked powerless" so far, complained the Chicago Tribune's Clarence Page. The columnist said the president seemed "awkward and self-contradictory" when he insisted during his news conference that the government was "in charge," but that BP has better technology and resources to actually do something about the disaster. While some pundits have predicted the oil spill will become "Obama's Katrina," Page said the more likely parallel is the Iran hostage crisis of the late 1970s. George Will on ABC and Fox's Chris Wallace made the same point on Sunday interview programs -- as did David Brooks in a New York Times op-ed Monday. " ... the hostage crisis became a symbol of America's inability to take decisive action in the face of pervasive problems," said Brooks, who added that such events highlight "the country's core confusion about the role of government." Did You Miss The Point? Check Out Past Columns "On the one hand, most people know that the government is not in the oil business. They don't want it in the oil business. They know there is nothing a man in Washington can do to plug a hole a mile down in the gulf," Brooks explained. "On the other hand, they demand that the president 'take control.' ... They want to hold him responsible for things they know he doesn't control." The president is "in a bind," agreed Politics Daily's David Corn. "People want him to remedy what may be beyond his power to remedy." Obama can and should crack down on BP, Corn said, but it won't necessarily improve the disaster response. And if he'd been tougher earlier, he might be in a "marginally better spot" politically now. "He would still be somewhat impotent to bring the spill to a halt, but at least he would have defined himself as a president willing to battle the despoiler of the Gulf," Corn wrote. The Atlantic's Chris Good described the oil spill as "the biggest psychic event having to do with American government and public opinion since the passage of health care reform." With relief wells that should stop the leak not expected to be finished until August, he said, this could remain the "most significant event shaping the mood of the U.S. public" going into November's mid-term elections.

A2: Geneva Convention Adv. – Not Mercenaries

PMCs are not treated as mercenaries- legal and market forces

Gaston 8 (E. L., graduated from Harvard Law School, Harvard International Law Journal, Vol. 49 No. 1, Winter, http://www.humansecuritygateway.com/documents/HARVARDILJ\_mercenarism.pdf)

There are significant legal, policy, and practical reasons for treating PMSCs differently than mercenaries, however. The existing instruments prohibiting mercenarism would be difficult to apply to most PMSCs, making it easy for the many states that want to continue to use these companies to circumvent the standing international ban. Coordinated international regulations of PMSCs, by contrast, might feasibly be enforced. Market forces have been pushing PMSCs to be more compliant than mercenaries in the past with international and domestic legal regulations. This is particularly true of PMSCs seeking contracts from international actors and states that care about hiring reputable privatized forces. Emerging state practice favoring regulatory solutions for PMSC issues—particularly among those states that are most often the clients, host countries, or home countries of PMSCs—suggests that regulation of PMSCs would have more widespread support than a prohibition on mercenarism.

A2: Geneva Convention Adv. – PMCs Don’t Violate Geneva Con.

**The definition in Article 47 is so vague that determining whether or not they violate it is arbitrary at best and impossible at worst**

Kinsey 8 (Christopher, writer for Cultures and Conflicts, <http://conflits.revues.org/index11502.html>) GAT

The actual definition in international law as set out in Additional Protocol I to Article 47 of the Geneva Convention (1949) classifies a mercenary according to the following criteria:30 (a) Is specially recruited locally or abroad to fight in an armed conflict; (b) Does, in fact, take part in activities; (c) Is motivated to take part in hostilities essentially by the desire for private gain (d) Is neither a national of a Party to the conflict nor a resident of a territory controlled by a Party to the conflict; (e) Is not a member of the armed forces of a Party to the conflict; (f) Has not been sent by a State, which is not a Party to the conflict on official duty as a member of its armed forces. 31 Idealists can be found on either side in a conflict. Those British mercenaries who fought in Ango(...) 14The wording of the definition is such as to exclude those foreign nationals in the service of the armed forces of another country, as with those individuals that served in the International Brigades in the Spanish Civil War, and where the international community is willing to tolerate such persons, from falling within the definition of mercenary. Furthermore, Article 47 of Protocol I ignores foreign military personnel integrated into the armed forces of another state. Included here would be the French Foreign Legion, and Gurkhas. The definition also leaves out those induced by ideology31 or religion, and those who may not participate directly in the hostilities. Finally, those foreigners employed as advisors and trainers are also not included in the definition. 15Without a clear working definition, the problem arises of how to ensure states comply with international laws relating to the control of mercenaries. While states accepted in principle, through the adoption of General Assembly resolutions, not to permit by way of action or omission an armed group launching an invasion of another state from within its own borders, member states still failed to restrain their citizens from enlisting in mercenary groups.

**Regulations ensure PMCs abide by Geneva Convention principles**

Lochbaum 8 (James, Digital Bits and Skeptics, Aug 7, <http://www.dbskeptic.com/2008/08/07/private-military-companies-civilian-contractors-and-the-global-war-on-terror/>) LL

The term “Private Military Company” is so broad and encompasses such a large spectrum of companies, that lumping those companies together is unfair and inaccurate. While the fighters employed by oil companies operating in Colombia may qualify as “mercenaries”, the employees of well established companies like the British-based ArmorGroup (which is actually registered by the Iraqi Ministry of the Interior) certainly don’t seem to deserve the label. In this respect they are similar to the militaries of nation states. Due to their privately owned nature, PMCs are criticized as being accountable to no one. While it is true they don’t have national leaders directly responsible for their actions, their contracts have very specific conditions that must be met and a company with any serious breach of contract can expect to face consequences. Also, there is legislation governing the behavior of PMCs operating in war zones. This legislation includes the Military Commissions Act and the recent amendment to the Uniformed Code of Military Justice. Both these documents have severe consequences for PMCs engaging in offensive military operations or violating the laws of the Geneva Convention. While it is true that these companies are not accountable to the same authorities and do not have the same internal policing methods as forces belonging to nations, they are by no means without responsibility.

A2: **Geneva Convention Adv. – Geneva Bad**

**The Geneva Convention is outdated and poor model of governance**

Dershowitz 4 (Alan, The Baltimore Sun, June 5 <http://www.aish.com/jw/me/48907852.html>) LL

The Geneva Conventions are so outdated and are written so broadly that they have become a sword used by terrorists to kill civilians, rather than a shield to protect civilians from terrorists. These international laws have become part of the problem, rather than part of the solution. Following World War II, in which millions of civilians were killed by armed forces, the international community strengthened the laws designed to distinguish between legitimate military targets and off-limit noncombatants. The line in those days was clear: The military wore uniforms, were part of a nation's organized armed forces, and generally lived in military bases outside of population centers. Noncombatants, on the other hand, wore civilian clothing and lived mostly in areas distant from the battlefields. The war by terrorists against democracies has changed all this. Terrorists who do not care about the laws of warfare target innocent noncombatants. Indeed, their goal is to maximize the number of deaths and injuries among the most vulnerable civilians, such as children, women and the elderly. They employ suicide bombers who cannot be deterred by the threat of death or imprisonment because they are brainwashed to believe that their reward awaits them in another world. They have no "return address." The terrorist leaders -- who do not wear military uniforms -- deliberately hide among noncombatants. They have also used ambulances, women pretending to be sick or pregnant, and even children as carriers of lethal explosives. By employing these tactics, terrorists put the democracies to difficult choices: Either allow those who plan and coordinate terrorist attacks to escape justice and continue their victimization of civilians, or attack them in their enclaves, thereby risking death or injury to the civilians they are using as human shields. Equating the deliberate targeting of innocent civilians by terrorists with the unintended consequences of trying to combat terrorism only encourages more terrorism. Whenever a civilian is accidentally killed or an ambulance is held up at a checkpoint, the terrorist leaders, and those who support them, have exploited the post-World War II laws of warfare to condemn the democracies for violating the letter of the law. Some human rights groups, international organizations and churches have joined this chorus of condemnation, equating the deliberate targeting of innocent civilians by terrorists with the unintended consequences of trying to combat terrorism -- unintended by the democracies, but quite specifically intended, indeed provoked by, the terrorists. This only encourages more terrorism, since the terrorists receive a double benefit from their actions. First they benefit from killing "enemy" civilians. Second, they benefit from the condemnation heaped on their enemies. Human rights are thus being used to promote human wrongs. The time has come to revisit the laws of war and to make them relevant to new realities. If their ultimate purpose was to serve as a shield to protect innocent civilians, they are failing miserably, since they are being used as a sword by terrorists who target such innocent civilians. Several changes should be considered:

A2: **Geneva Convention Adv. – Impact Defense**

**Impact non-unique – US troops have continuously violated the Geneva Convention**

Bowcott 3 (Owen, The Gaurdian, Jan 3, <http://www.guardian.co.uk/uk/2003/jan/03/northkorea.usa>) LL

US troops guarding communist captives in the Korean War violated the Geneva convention on treating prisoners of war and regarded them as "oriental cattle", a confidential British report concluded. Marked "secret and guard", the memorandum by a major in the King's Shropshire Light Infantry painted a damning picture of US military incompetence and inhumanity. Held back from public release for 50 years, the study of Koje-Do prison camp was sent to the foreign secretary in late 1952. When Major DR Bancroft arrived with his unit to help American soldiers on guard duties, he was appalled at what he discovered. There were 80,000 captured men inside Koje-Do. "Control within the compounds had been lost, and it was doubtful whether the US authorities had external control," his memo, released by the public record office, records. "No compound had been entered by US troops for nearly three months." The treatment of North Korean prisoners was already a sensitive political issue, even though the war was being fought under the authority of the United Nations. Major Bancroft found US units had inadvertently supplied inmates with firewood that contained 10-inch nails, and given them petrol to start fires. "Nails were being used to make spears, and petrol was being turned into Molotov cocktails." On one occasion, he saw an American soldier mistreat a wounded North Korean officer. "The US driver removed the prisoner's hat, stripped it of its badge of rank, and literally flung the prisoner into the ambulance ... this was the first of many occasions I witnessed US troops violating the Geneva convention." In order to regain control, one compound was stormed. More than a 100 prisoners died, and communist soldiers murdered colleagues who tried to surrender. Put in charge of one compound, Major Bancroft discovered mail had not been delivered to prisoners for four months. "It became evident that US officers and soldiers ... thought the Chinese and Korean prisoners were oriental cattle who were to be given different treatment to a European." In one case, he saw a prisoners' representative addressed as "You slant-eyed, yellow bastard." The major noted: "US sentries were found asleep at their posts, and no disciplinary action taken. Over 8,000 prostitutes were in residence in the valleys near the prison, and sentries left their posts to sleep with women in the village. "All US troops were apt to regard prisoners as cattle and treat them as such. They handled them, including cripples who had been badly wounded, extremely roughly. Asked about the Geneva convention, US troops said: 'Well, these people are savages'. All [US] units were inclined to fire on prisoners at the slightest provocation."

**Alt causes – treatment of POWs prove**

Baltimore Chronicle 2 (Feb 6, <http://baltimorechronicle.com/geneva_feb02.shtml>) LL

On January 11, 2002, the United States announced that it was refusing to abide by the 1949 Geneva Convention on the treatment of prisoners of war. The Third Geneva Convention, which provides specific guidelines for treatment of prisoner combatants, is a part of the "law of nations" and is a mainstay of international humanitarian law. The United States explained that the prisoners taken in Afghanistan and Pakistan were not actually prisoners of war, but were in fact "unlawful combatants." The first prisoners arrived in the U.S. base at Guantanamo Bay, Cuba on January 11, 2002. According to the Washington Post, prisoners were hooded and shackled during the 27-hour flight. The United States defended these practices as appropriate security measures. Media on site in Cuba reported that the prisoners were fitted with goggles that were blacked out, for "security reasons" necessary to prevent them from using their eyes. In a public letter to Donald Rumsfeld , Amnesty International expressed concern that the prisoners' conditions of transport violated international norms. The prisoners are being housed in outdoor 6 foot-by-8 foot open-air chain link cages, with concrete floors and wooden roofs, and contain a mat and a plastic bucket. The U.S. demanded that media not show photographs of the prisoners in these conditions, explaining, without apparent irony at the inconsistency, that the photos would deprive the prisoners of their rights under the Geneva Convention. According to a Pentagon spokesperson, any photographs of the prisoners in the United States-imposed conditions would be "humiliating" and "debasing." Several outlets have not complied with the Pentagon's demand. The Bush Administration's refusal to abide by the world's humanitarian laws stands in stark contrast to the justifications advanced for U.S. military actions. On September 20, 2001, in a televised speech, George W. Bush justified the waging of war as necessary to defend the values of "civilization" against "evil": "This is not, however, just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight." On November 8, 2001, in his prime-time speech to the nation, President Bush declared the bombing of Afghanistan to be "a war to save civilization itself."

A2: Democracy Adv.

PMC’s are not uniquely bad to democracy – every aspect of executive control is not fully transparent or open to the public.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

As discussed in the Introduction, commentators have criticized the “lack of transparency” of PMC action,121 coupled with the dominion of the executive over PMC action, as creating a threat to the separation of powers and limited governance.122 The democratic accountability test possesses some synergy with the criticism that the use of PMCs inhibits governmental transparency and invokes separation of powers issues. The requirement of governmental accountability in using private forces is not concerned with the actions of the private sector as the private sector, but rather, as the ability of the public to gauge how its government is using private forces and whether that usage is consistent with democratic will. Peter Singer, of the Brookings Institution, argues that the use of contractors “lets policymakers dodge tough, politically costly decisions” and thus avoid the full costs of having the country at war.123 The political ease of using contractors is presumably a by-product of the lessened political damages their deaths cause when (or if) they are reported at all.124 The question of democratic accountability in privatizing force has been heightened by indications that the government has used PMCs in order to shield itself from political fire. For example, some officials have indicated that PMCs could be used for specific operations because they do not wear American uniforms.125 PMCs can also be used to effectuate U.S. policy goals by allowing them to train and coordinate with allied militaries when the U.S. is unwilling to provide troops (for political reasons).126 Unwilling to formally ally the U.S. with Croatia, this was exactly the practice President Clinton followed when he wanted to assist the Croats’ military effort against Slobodan Milosevic.127 Democratic accountability is agnostic to the question of how the public ought to weigh the sacrifice of public soldiers and private troops.128 A public preference approving or disapproving the use of private force is only relevant to the extent that the public is able to acquire the necessary information to make its judgment and effectuate that judgment through its elected officials, both in the presidency and legislature. Does privatizing national security short-circuit the democratic accountability of the government in foreign policy? The use of private force reduces transparency through increased layers of removal of governmental policy that occur when private actors are brought into the fold and operate, independent of public troops and the lifting of formal information-forcing devices designed to facilitate public disclosure. As private actors, PMCs are specifically exempt from Freedom of Information Act (“FOIA”) requests129 and can object to other formal mechanisms designed to force disclosure of commercial information as an infringement of proprietary interests.130 Inhibited transparency alone, however, is insufficient to delegitimate private force. For example, it would be a legal fiction to posit that the Executive Branch controls the actions of a Private First Class soldier in the execution of military missions. Every additional bureaucratic layer fosters less transparency, but does not create a constitutional dilemma.

PMC’s enhance democratic values – they provide a way for governments stretched thin to meet the demands of the public.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

B. Weighing the Benefits of National Security Privatization—Policy Preferences and International Norms Reticence toward privatized national security flows from an overriding concern that the private sector compromises the safety of the State and its citizens. If the concern is that privatizing national security compromises safety, mainly due to reduced democratic accountability, then we also have to very robustly consider the aspects of privatization that enhance safety.131 While the layer of removal that privatization necessarily inserts between government and state action reduces transparency, it is also a reaction to underlying democratic normative judgments as to both the role of the military and the values inextricably linked to international legal norms. Privatized force facilitates the pursuit of consistency with international legal norms and efficiency desired by public policy judgments. PMCs alleviate the problem of limited state resources to fight a desired war, whether the war is one of aggression or defense. Understanding the basics of the demand for private force by states and other parties (i.e., NGOs and other corporations) is a crucial component to appreciating how (and why) PMCs are used, and if they are effective in meeting their stated ends. State use of PMCs necessarily reflects a judgment that available public forces are incapable or inadequate to fulfill the work necessary to carry out the policies of the State.132 This judgment reflects both external geopolitical forces and domestic policy judgments. As demonstrated below, “growth” of the market for PMCs is less a product of new dynamics than the by-product of increased intensity (or reappearance) of externally oriented factors that have promoted the market through history, and internal judgments causing a shift away from public troops to private actors. The changing dynamics of these motivators reflect normative judgments by states as well as political restraints—both domestic and international—on state action.

A2: Democracy Adv.

Arguments against PMC’s are overblown – a moderate understanding of democratic accountability solves best.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

The arguments that the privatization of national security represents serious constitutional and democratic harms are overblown. The core concern of privatization opponents rests upon a foundation that national security, the quintessential public good, cannot survive the taint of profit motive among those responsible for its delivery. The reality is quite different. The legal structure governing private actors must balance a healthy concern over undemocratic manipulation by government, while recognizing the special limitations and requirements of national security policy. Resolving the tension between these concerns enables a forwardlooking legal approach that garners normative advantages that are typically not ascribed to utilizing the private sector.

PMC’s don’t undermine the state – they aid military and security objectives.

Avant 6 (Deborah political science and international affairs @ George Washington University, “Think Again: Mercenaries”, May 26, http://www.npr.org/templates/story/story.php?storyId=5433934)KM

"Private Military Contractors Undermine State Power" Not always. Military contractors can enhance the power of individual states, as when failed states like Sierra Leone essentially buy an army. Contractors are also quite useful to powerful nations such as the United States, which is managing the chaos in Iraq with fewer troops than many believed necessary by increasing its personnel pool. States that embrace private security have a flexible new foreign-policy tool partly because private forces ease the political restraints typical among democracies. Those states that do not tap into the market lose relative power.

PMCs actually act as agents of the democracy where the US cannot exert its direct influence

Kinsey 7 (Christopher, Prof. of Defense Studies at the King’s College, *Private Security Companies: Agents of Democracy or Simply Mercenaries?,* pp. 15-16) GAT

Cases of private security participating as a member of a strategic complex vary. MPRI, for example, has for a number of years taken on the role of training foreign militaries on behalf of the US government. The company helped to train African militaries under the African Crisis Response Initiative (ACRI), “a seven-nation training programme established in 1996 to create effective, rapidly deployable peacekeeping units” (Singer 2003: 131). As Singer further explains, “the idea was to build a compatible African force, trained to US standards, that could operate jointly in the event of a humanitarian crisis or in a traditional peacekeeping operation”. The programme was later changed to the African Contingency Operations Training and Assistance Program (ACOTA), the focus of which was to upgrade the peace-enforcement capabilities for African militaries. Africa is not the only continent where MPRI have trained troops. The company was involved in restructuring the Croatian army in the mid-1990s into a more professional force along the same lines as NATO forces (Shearer 1998: 57-59). MPRI is not the only US company working for the Pentagon training or giving 15 military/logistical support to foreign armies. In 2003, DynCorp International was awarded a contract from the State Department to provide comprehensive logistical, humanitarian, and peacekeeping support to humanitarian relief operations in Africa. In Bosnia, the company provided retired American police officers to the UN mission (Payne 2002), while in Colombia they provide crop dusters and helicopter pilots, mechanics and paramedics to the Colombian security forces fighting the drugs war (Villelabeitia 2002). In each of these cases, these companies acted as proxies for the US government, determined to strengthen the democratic process, but fearing the political consequence if something went wrong. In this respect, they acted as agents of democracy when the US government feels it cannot intervene directly because of political pressure, though such an approach also has drawbacks. Trying to determine what the impact of their actions may be on the democratic process is extremely difficult. Indeed, their actions may cause unforeseen consequences for everyone involved. This is what happened with Sandline’s involvement in Papua New Guinea in 1996. General Singirok used the Sandline contract to create a constitutional crisis that no local government official or Sandline employee had even considered a remote possibility (Spicer 1999: 186f.). Singirok’s motive was later revealed by the Australian journalist Mary-Louise O’Callaghan, who discovered that “Singi-rok had been paid £31,000 (…) which had been put into a secret bank account by a UK arms dealer called J. and S. Franklin” (Spicer 1999: 186f.). Today their primary function is to teach militaries what their function is in a democratic society and thus reinforce democracy, while the role of the mercenary has frequently been to undermine it. Moreover, only by teaching state militaries what their role is in a democratic society can we hope to improve the chances of democracy surviving in weak and failing states, and even more so when the military itself is the main threat to the democratic process.

A2: Democracy Adv.

Democracies start more wars

Henderson 2 (Errol, Assistant Prof @ U of Fl, Dept of Poli Sci, 2002, [http://books.google.com/books?id=goI4\_nBnDPsC&pg=PA146&lpg=PA146&dq=obtained+from+analyses+that+control+for+a+host+of+political,+economic,+and+cultural+factors+that+have+been+implicated+in+the+onset+of+interstate+war,+and+focus+explicitly+on+state+level+factors+instead+of+simply+inferring&source=bl&ots=ddYccr83mt&sig=XAqZbmgxK09VyO1RMVk5mTbLlwQ&hl=en&ei=dukuTMagNYnWtQPAsZngBQ&sa=X&oi=book\_result&ct=result&resnum=1&ved=0CBIQ6AEwAA#v=onepage&q=obtained%20from%20analyses%20that%20control%20for%20a%20host%20of%20political%2C%20economic%2C%20and%20cultural%20factors%20that%20have%20been%20implicated%20in%20the%20onset%20of%20interstate%20war%2C%20and%20focus%20explicitly%20on%20state%20level%20factors%20instead%20of%20simply%20inferring&f=false](http://books.google.com/books?id=goI4_nBnDPsC&pg=PA146&lpg=PA146&dq=obtained+from+analyses+that+control+for+a+host+of+political,+economic,+and+cultural+factors+that+have+been+implicated+in+the+onset+of+interstate+war,+and+focus+explicitly+on+state+level+factors+instead+of+simply+inferring&source=bl&ots=ddYccr83mt&sig=XAqZbmgxK09VyO1RMVk5mTbLlwQ&hl=en&ei=dukuTMagNYnWtQPAsZngBQ&sa=X&oi=book_result&ct=result&resnum=1&ved=0CBIQ6AEwAA#v=onepage&q=obtained%20from%20analyses%20that%20control%20for%20a%20host%20of%20political%2C%20economic%2C%20and%20cultural%20factors%20that%20have%20been%20implicated%20in%20the%20onset%20of%20interstate%20war%2C%20and%20focus%20explicitly%20on%20state%2)) LL

Are Democracies More Peaceful than Non-democracies with Respect to Interstate Wars? The results indicate that democracies are more war-prone than non-democracies (whether democracy is coded dichotomously or continuously) and that democracies are more likely to initiate interstate wars. The findings are obtained from analyses that control for a host of political, economic, and cultural factors that have been implicated in the onset of interstate war, and focus explicitly on state level factors instead of simply inferring state level processes from dyadic level observations as was done in earlier studies (e.g., Oneal and Russett, 1997; Oneal and Ray, 1997). The results imply that democratic enlargement is more likely to increase the probability of war for states since democracies are more likely to become involved in—and to initiate—interstate wars.

Democracy promotion collapses U.S. heg

Emmerson 3 (Donald K, Sr Fellow, Institute for International Studies @ Stanford University, Jan 30, <http://www.csis.org/media/csis/pubs/pac0305.pdf>) LL

Who will, then, counterbalance U.S. power? Conceivably, no one will. But the sheer dynamic uncertainty of global affairs must surely, eventually, bring to a conclusion even this protracted “unipolar moment.” There is one more speculation worth noting, if only because it has been almost wholly ignored. Namely: The consequences of democratization will pose the chief and most enduring challenge to U.S. primacy. Never have there been more electoral democracies in the world - 121 today, by Freedom House's latest count, up from 66 in 1987. So far, this trend has been cause mainly for American celebration. Viewed from the United States, democratization has been easy to construe as imitation - the sincerest form of flattery. American politicians routinely project U.S. democratic values as not just humane but human: what, deep in their hearts, everyone thinks and wants or, at any rate, would if they knew what was best. Whatever the accuracy of this presumption, it is at least less fantastic than the idea that installing the right to vote in a formerly authoritarian state will necessarily instill, among the newly enfranchised, sympathy for U.S. foreign policy - what Washington does as opposed to what Americans may believe. gis' extensive air defense capability, and joint operability. It is no coincidence that recently elected governments in Turkey and South Korea are not cheerleaders for confronting Iraq and North Korea, respectively. Living adjacent to the “evil axis” makes Turks and South Koreans uniquely vulnerable to the consequences of belligerence. Their electoral democracies assure that public fears based on this vulnerability cannot be ignored. As a senior adviser to Turkey's new prime minister recently observed, “Everybody knows that 80 to 85 percent of the Turkish people would say no to war in Iraq. As a democratic country, how can we say yes?” Gerhard Schröder's decision to comply with such logic in Germany's latest election is a main reason he remains chancellor of that country. And these countries are U.S. allies. Nor is the prospect of democratic divergence limited to these admittedly special cases. In foreign democracies generally, other things being equal, it is implausible that candidates and voters should consistently favor U.S. positions. Most Muslims, for example, are moderate. But in countries with large Muslim majorities and without strong secular traditions, it is not hard to envision an election whose results reduce the distance between state and religion, regardless of what the U.S. constitution's first amendment recommends. Nor is the chance of such outcomes limited to balloting among Muslims, witness the recent electoral success of hardline Hindus in the Indian state of Gujarat. Democratization need not be inimical to U.S. foreign policies. But democratic divergence in a more and more democratic world can be expected to limit the ability of U.S. administrations to actunilaterally in ways that significantly threaten or burden other countries. What is an election, after all, if not a multilateral consultation, among voters rather than states? Qualifications are needed: Democracies may diverge not only from the U.S. but also from each other. European disunity over Iraq is an illustration. An irony of unilateralist American rhetoric is that it can help stimulate a multilateral façade - a coalition of the somewhat willing - by motivating foot-dragging governments to move closer to Washington lest they lose all leverage and favor in the event of superpower success. Under mounting American pressure to become a launching pad for war against Baghdad, Ankara's “no” already has modulated to “yes” with reservations. And then there is British Prime Minister Tony Blair, who has been willing to ignore his own constituency's reluctance to say “yes” to President Bush - convergence at the top despite divergence from below.

A2: I-Law Adv. – I-Law Doesn’t Cover PMC’s

**International law does not cover PMCs**

Murianki 10 (Franklin, Peace and Conflict Monitor June 1, <http://www.monitor.upeace.org/printer.cfm?id_article=724>) LL

As Singer puts it, “though both PMSCs and mercenaries can be considered to be ‘security workers’, there is a significant difference in the work they do.”[9] According to a report by the Geneva Centre for the Democratic Control of Armed Forces, PMSCs “do not fit into the narrowly-drawn definition of mercenary forces as they normally consist of retired military personnel, who are no longer active in security forces [and who] offer a wide range of services from combat and operational support, or advice and training, to arms procurement, intelligence gathering, or hostage rescue, etc.”[10] From a legal perspective, a PMC is a corporate entity, while a mercenary group is not. Singer attempts to categorize PMSCs into “three broad types of units linked to their location in the battle space: those that operate within the general theatre, those in the theatre of war, and those in the actual area of operation, that is, the tactical battlefield.”[11] These units include military provider firms, military consultancy firms, advisory and training services and military support firms, which provide non-lethal aid and assistance.[12] Sovereignty: Max Weber identified the state as that entity which “successfully upholds a claim to the monopoly of the legitimate use of physical force in the enforcement of its order.”[13]The rise of nationalism made for patriotic enlistment for a standing army to defend borders and for security; hence, the deployment of violence was the preserve of the state. As Sapone notes, “The emergence of private military firms (PMFs) and the change in military relationship between states and private entities suggests that some states no longer exert explicit control over military technology or manpower. Military skill is becoming increasingly privatized and commodified.”[14] Observers believe that the dramatic growth in private security challenges the international state system’s three hundred year control over military might. PMFs now stand in a position to eventually threaten global order with military force that is less accountable and controllable than state militaries.[15] The role of regulating instruments of violence lies with the state, but if the state cannot effectively regulate PMCs, the role of the state has been severely compromised by a non-state actor. Therefore, the authority of the state is eroded by these new powerful actors who shoulder military responsibility. The primacy of states as the sole actors in the international relations realm is also being questioned. The peculiar nature of this problem is not comprehensively addressed in national and international law regulations. This problem was evident when, “In the late 1990s a private military company composed primarily of South then African Special Forces from the former apartheid regime, called Executive Outcomes, was engaged by the governments of Angola and Sierra Leone to fight rebels in those countries whom national forces there had failed to stop. While that company is praised for its efficiency (especially by industry lobbyists), its record of compliance with international humanitarian law is questionable.”[16]It can be argued too that the client states´ sovereignty is not absolute, as there are non-state actors that have been contracted to carry out the country’s primary function of state security and defense; hence their sovereignty is called to question. The obligations and responsibilities of states under international law require that they take liability for actions perpetuated by their civilians, yet the state contracted the corporations to act on their behalf. This complicates the issue of liability, questioning who should be liable for human rights violations committed by these non-state actors in other states. Blackwater has been given immunity under the Coalition Provisional Authority of Iraq;[17] “The Coalition Provisional Authority (CPA), the U.S.-led entity charged with governing Iraq through June 2004, stipulated that contractors [were] subject to the laws of their parent country, not Iraqi law.”[18]Another complexity occurs when PMCs “have been engaged in more dubious practices such as assisting in coup d’états.” Attention to such companies and calls for their international regulation have recently been bolstered by Sir Mark Thatcher’s guilty plea in his trial for planning and organizing a coup in Equatorial Guinea in collaboration with a PMC.[19]The US Central Intelligence Agency (CIA) is also known to engage private companies to work in South America in it’s ‘‘war on drugs’’, which sometimes end up fighting against the FARC in Colombia.[20] This goes to show that the PMC industry is clearly multifaceted and complex, operating around the globe in a myriad of situations and poses a grave danger to the nation-state and functions of the nation-state. Human Rights Violations: As mentioned earlier, the 16th century creation of the nation-state and state responsibility took on the state as the sole custodian of the monopoly of violence. The state is responsible for the actions of its military personnel, whether abroad or at home. For any human rights violations, the state has the right to take disciplinary action on military personnel under its domestic legislation or under international law. In the case of PMC personnel, the onus of responsibility is vague and ambiguous. Compared with state-run military and police forces, which are subject to fairly strict regulation by their governments and international laws, PMSCs act with relative impunity in the current international and domestic legal landscape. The result involves increased human rights abuses and decreased accountability for the actors committing those abuses.[21] Further, private military companies, mercenaries and others privately engaged in combat in the shadows of war in weak states, often operate without being accountable for the violations of international law, including human rights[22] and the plundering of resources. The right to self-determination and right to security are seriously impinged by the use of mercenary corporations in war zone areas, their interest being monetary alone. Antony Barnett and Patrick Smith’s highlights Dramatic evidence that America is involved in illegal mercenary operations in East Africa has emerged. The leaked communications between US private military companies suggest the CIA had knowledge of the plans to run covert military operations inside Somalia - against UN rulings - and they hint at involvement of British security firms [… it further reveals] how US firms have been planning undercover missions in support of President Abdullahi Yusuf's transitional federal government against the Supreme Islamic Courts Council - a radical Muslim militia which took control of Mogadishu, promising national unity under Sharia law.Evidence of foreign involvement in the conflict would not only breach the UN arms embargo but could destabilize the entire region.[23] For PMCs to be directly involved in combat activities raises concerns of whether in the course of their duty they violate human rights and are involved in genocide, crimes against humanity, assassinations and murder which fall under the province of international humanitarian law. The lack of comprehensive national and international law legislation, and the vagueness’ of the legal person of a private military contractor under international law complicates the issue of immunity. International Legislation against Mercenaries: As these PMCs take on a corporate image of mercenarism, there is no international law explicitly enacted specifically to address PMCs. This is only for mercenaries. The actual definition in international law as set out in Additional Protocol I to Article 47 of the Geneva Convention (1949) classifies a mercenary according to the following criteria:[24]

A2: I-Law Adv. – I-Law Doesn’t Cover PMC’s

Current international laws doesn’t actually mention PMCs

Kinsey 8 (Christopher, writer for Cultures and Conflicts, <http://conflits.revues.org/index11502.html>) GAT

Finally, international law at present makes no mention of PMCs. This is not surprising considering the recent appearance of these organisations on the international stage. The problem now is if, in the future governments do allow PMCs to actively engage in civil wars on their behalf, failure to achieve a legal separation could see the employees of PMCs having their combat status legally challenged by the other side, leading to dire consequences for any employee unlucky enough to be taken captive. In this respect, international law has two important roles to play if PMCs are to act on behalf of the international community. First, it must protect the combat status of PMCs employees actively engaged in fighting. Second, it must allow PMCs go about their lawful business, while prohibiting the activities of the classic mercenary. These will not be easy tasks to achieve, but they must if PMCs are to work for the international community.

I-law doesn’t affect PMCs- bypass checkpoints for law

Gul 6 (Saad, Law clerk to North Carolina Court of Appeals, Lewis and Clark Law Review, Vol. 10 No. 2, 5/17, http://legacy.lclark.edu/org/lclr/objects/LCB10\_2\_Gul.pdf)

The lack of a clear reporting structure is a source of concern because substituting private contractors for military forces can constitute a procedural device that enables decision makers to escape85 making the tough calls: “It’s. . . about avoiding tough political choices concerning military needs, reserve callups and the human consequences of war.”86 At the international level, the accountability problem is equally profound. By blurring state accountability, PMCs tend to undermine the enforcement of a basic principle of international law.87 The element of state accountability is what distinguishes a lawful combatant from an unlawful one.88 “The international community’s fear of mercenaries lies in that they are wholly independent from any constraints built into the nation-state system.”89 Commentators have noted that PMCs are dangerous precisely because they allow states to bypass mechanisms for state responsibility: In the post-Cold War era, the Security Council has reemerged as a, if not the, legitimate source for the authorization of military intervention in the name of collective security. Without the endorsement of the Security Council, any one nation’s decision to intervene in the affairs of another sovereign state is subject to criticism and charges of illegality and illegitimacy. But although the Security Council attempts to regulate the behavior of nation-states and their national militaries, it (like international law more generally) has comparatively less influence over the activities of private agents.90 Not only do PMCs make it considerably easier to bypass the Security Council and evade restrictions, but they also gut the concepts of state responsibility and collective action.91 While the United States has found this useful in certain instances, such as using MPRI to assist Croatia without technically violating the embargo, it also runs the risk of finding itself drawn into undesirable conflicts without92 Security Council sanction precisely because of the loose regulation of PMCs at both the international and the domestic level. While PMCs contracted for the United States should be bound by the same rules that bind the nation, their secrecy and loose regulation make ensuring this impossible. As recent experience across the globe, from Bosnia to Angola to Saudi Arabia shows, the monumental impact of these players in strategic equations is far too serious to shrug off with a “Who knows what lurks in the hearts of men?”93

Ambiguity means PMCs aren’t defined in international law

Isenberg 6 (David, research analyst with the British American Security Information Council, 3/23, http://www.mafhoum.com/press9/279P2.pdf)

One real problem in regulating PMCs is their somewhat ambiguous legal status in regard to existing international treaties relevant to conflict and war. This is partly because the whole structure of diplomacy and international recognition rests on the state as the cornerstone and building block of international law and international relations. There is no clarity about the exact relationship between governments and PMCs. In their own interests, governments (and military institutions, such as the Pentagon) often publicly distance themselves from PMCs. Such ambiguity leaves companies open to arbitrary treatment by combatants or other countries if they stray over borders. 21 They are combatants under the Geneva Convention, if they bear arms and are clearly working on behalf of one side in a conflict; yet they could also be treated as non-combatants, if they do not wear recognizable uniforms or are not under military command. Those working for their own government are clearly not mercenaries in the field. 22 Bear in mind that much of the commentary about PMCs being beyond the law is untrue. Rather than PMCs being beyond the law it is a case of existing international law being unable to even define mercenaries in a consistent way; let alone regulate the full scope of PMC activities.23 It simply is unfair to characterize firms as being beyond the law when the law can’t even define what such firms are.

A2: I-Law Adv. – I-Law Doesn’t Cover PMC’s

**PMCs slip under the radar- vague definitions in international law**

Gul 6 (Saad, Law clerk to North Carolina Court of Appeals, Lewis and Clark Law Review, Vol. 10 No. 2, 5/17, http://legacy.lclark.edu/org/lclr/objects/LCB10\_2\_Gul.pdf)

Though theoretically disfavored in international law,34 mercenaries are ubiquitous. As Major Milliard notes, “[t]he sovereign’s resort to mercenaries is as old as history itself.”35 However unpopular,36 mercenaries have been traditionally accepted “if not by polite society, then by most states, their armies, and international law.”37 For example, the Geneva Convention Relative to the Treatment of Prisoners of War38 does not sanction any criminal penalties against mercenaries.39 Part of the problem is that mercenary is a vague and amorphous term. Though there are several definitions of the term “mercenary,” none of them is sufficiently accepted to constitute an international norm.40 Then-Assistant Secretary of State William Schaufele told the House International Relations Committee that “[a] legally accepted definition of what constitutes a mercenary does not exist in international law.”41 The definitions that do exist are ungainly and virtually impossible to apply to any individual in practice—Professor Best argued that any mercenary who could not exclude himself from such definitions deserved to be shot—along with his lawyer!42 For instance, Protocol I43 defines a mercenary as an individual who: (i) fights (ii) abroad (iii) in combat (iv) motivated by private gain (v) paid (vi) substantially more than standing army combatants (vii) is not a national or resident of the state (viii) and neither a member of its armed forces nor on official duty from a third party’s armed forces.44 The U.N. Mercenary Convention45 incorporates all these requirements, and adds yet more.46 Though the United States is party to neither of these conventions, it does recognize that they embody customary international norms.47 It is the stated policy of the United States to adhere to these conventions to the extent they reflect customary international law.48 However, if these purported norms exist only as incoherent ramblings as reflected in the definitions above, the United States can respect them and still undertake PMC activity. Analyzing these norms through the prism of Professor Best’s analysis, it would be virtually impossible to find, let alone convict an individual for violating all the stated requirements. For example, “Citizenship is easily granted.”49 Croatia, to take but one instance, routinely granted commissions and citizenship to foreign fighters serving with its armed forces during the Balkan conflict.50

A2: I-Law Adv. – Other Countries

Other countries support international law now

Benvenisti, ‘8 (Eyal Professor of Law, Tel Aviv University, 102 A.J.I.L. 241, “Reclaiming Democracy”)JFS

In recent years, courts in several democracies have begun to engage seriously in the interpretation and application of international law and to heed the constitutional jurisprudence of other national courts. Most recently, this new tendency has been demonstrated by the judicial [\*242] responses to the global counterterrorism effort since the events of September 11, 2001: national courts have been challenging executive unilateralism in what could perhaps be a globally coordinated move. In this article I describe and explain this shift, arguing that the chief motivation of the national courts is not to promote global justice, for they continue to regard themselves first and foremost as national agents. Rather, the new jurisprudence is part of a reaction to the forces of globalization, which are placing increasing pressure on the different domestic branches of government to conform to global standards. This reaction seeks to expand the space for domestic deliberation, to strengthen the ability of national governments to withstand the pressure brought to bear by interest groups and powerful foreign governments, and to insulate the national courts from intergovernmental pressures. For this strategy to succeed, courts need to forge a united judicial front, which entails coordinating their policies with equally positioned courts in other countries by developing common communication tools consisting of international law and comparative constitutional law. The analysis also explains why the U.S. Supreme Court, which does not need to protect the domestic political or judicial processes from external pressure, has still not joined this collective effort. 3 On the basis of this insight into the driving force behind reliance on foreign law, the article proposes another outlook for assessing the legitimacy of national courts' resort to foreign and international legal sources. It asserts that recourse to these sources is perfectly legitimate from a democratic theory perspective, as it aims at reclaiming democracy from the debilitating grip of globalization.

US not modeled - other countries fill in and US foreign policy

Pederson ‘8 Ole, Professor @ Newcastle, Fading Influence of the US Supreme Court, <http://internationallawobserver.eu/2008/09/18/fading-influence-of-the-us-supreme-court/>JFS

It appears that it is not only the EU whose authority is fading. Today’s NY Times has a very interesting story on the influence of the US Supreme Court, which is well worth a read. The article states that the number of citations of US Supreme Court cases in other jurisdictions is in decline compared to just ten years ago. There are many reasons for this, according to, inter alia, Thomas Ginsburg of University of Chicago and Aharon Barak, former president of the Israeli Supreme Court. One reason is the rise in the numbers of constitutional courts elsewhere, which has, through time, created a rich jurisprudence on constitutional law rendering the need to cite US cases less essential. Additionally, US foreign policy may play a part in the diminishing influence of the oldest constitutional court in world. Finally, the reluctance of the US Supreme Court itself to cite foreign law when adjudicating may play a role. This final point is perhaps the most interesting. Whereas European (including the ECJ and the ECtHR), Australian and Canadian courts do not shy away from referring to foreign law, it has always been a sensitive topic in the US where many scholars favour leaving aside foreign law. This approach has its clear democratic justification but as Justice Ruth Bader Ginsberg said in 2006 in an address to the South African Constitutional Court: “[F]oreign opinions are not authoritative; they set no binding precedent for the U.S. judge. But they can add to the store of knowledge relevant to the solution of trying questions. Yes, we should approach foreign legal materials with sensitivity to our differences, deficiencies, and imperfect understanding, but imperfection, I believe, should not lead us to abandon the effort to learn what we can from the experience and good thinking foreign sources may convey.”

A2: I-Law Adv. – Alt Cause – Drones

The current crisis in international law is the use of drones in the Middle East

Jacobson 7/1 (Louis, writer for Politifact, http://www.politifact.com/truth-o-meter/article/2010/jul/01/do-drone-attacks-comply-international-law/) GAT

At one point in the interview, host Jake Tapper said to Panetta, "I know you can't discuss certain classified operations or even acknowledge them, but even since you've been here today, we've heard about another drone strike in Pakistan and there's been much criticism of the predator drone program, of the CIA. The United Nations official Phil Alston earlier this month said, 'In a situation in which there is no disclosure of who has been killed for what reason and whether innocent civilians have died, the legal principle of international accountability is by definition comprehensibly violated.' Will you give us your personal assurance that everything the CIA is doing in Pakistan is compliant with U.S. and international law?"Panetta responded, "There is no question that we are abiding by international law and the law of war. Look, the United States of America on 9/11 was attacked by al-Qaida. They killed 3,000 innocent men and women in this country. We have a duty, we have a responsibility, to defend this country so that al-Qaida never conducts that kind of attack again. Does that make some of the al-Qaida and their supporters uncomfortable? Does it make them angry? Yes, it probably does. But that means that we're doing our job. We have a responsibility to defend this country and that's what we're doing. And anyone who suggests that somehow we're employing other tactics here that somehow violate international law are dead wrong. What we're doing is defending this country. That's what our operations are all about."We zeroed in on Panetta's statement that "there is no question that we are abiding by international law and the law of war" in relation to operations in Pakistan, especially concerning drone attacks.At first we wanted to put this statement to the Truth-o-Meter. However, for reasons that will become clear, we decided Panetta's statement, as worded, did not lend itself to the rating system. Still, we decided it raises interesting questions worth exploring.First, some background. Drones are remote-controlled, pilotless, aerial vehicles that can conduct surveillance and, if specially equipped, fire weapons that are able to hit targets of interest, including killing individuals. Drones have also reportedly been used by the CIA to target suspected terrorists.In his question to Panetta, Tapper noted that doubts have been raised about the propriety of such attacks, particularly the ones conducted by the CIA on suspected terrorists. Tapper specifically cited a report by Philip Alston, a New York University law professor who also serves as the United Nations' Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. The May 28, 2010, report was addressed to the UN General Assembly's Human Rights Council.In the report, Alston analyzes the legality of "targeted killings," which he defines as "the intentional, premeditated and deliberate use of lethal force, by states or their agents acting under colour of law, or by an organized armed group in armed conflict, against a specific individual who is not in the physical custody of the perpetrator." Drone attacks are one type of targeted killing.Alston's report acknowledges that "such policies have been justified both as a legitimate response to 'terrorist' threats and as a necessary response to the challenges of 'asymmetric warfare.'" But it also raises a number of questions, including possible conflicts with existing international humanitarian law. Here are a few of them:• In what types of conflicts are targeted killings justified? Does the deadly pursuit of all suspected terrorists, or only certain kinds, qualify for protection under international law? When is the argument of "anticipatory self-defense" recognized as a legitimate justification for a targeted killing?• Do the attacks take enough care to prevent the collateral loss of life of civilians?• Are the attacks proportional to the threat? Is there enough transparency and accountability surrounding the decision-making behind targeted killings? This is especially important for drone attacks, in which intelligence is gathered and analyzed thousands of miles away by civilians working for a high-secrecy intelligence agency, rather than by military personnel in the theater of operation who are subject to well-established rules of engagement.Alston's report does more than raise these questions -- it argues that the way targeted killings, especially drone attacks, are currently handled poses significant problems under international law. The report finds "a highly problematic blurring and expansion of the boundaries of the applicable legal frameworks –- human rights law, the laws of war, and the law applicable to the use of inter-state force. Even where the laws of war are clearly applicable, there has been a tendency to expand who may permissibly be targeted and under what conditions. Moreover, the states concerned have often failed to specify the legal justification for their policies, to disclose the safeguards in place to ensure that targeted killings are in fact legal and accurate, or to provide accountability mechanisms for violations. Most troublingly, they have refused to disclose who has been killed, for what reason, and with what collateral consequences. The result has been the displacement of clear legal standards with a vaguely defined license to kill, and the creation of a major accountability vacuum."The report doesn't flat-out state that what the United States is doing is illegal, but it raises tough questions that would lead some observers to make that conclusion.All this serves as backdrop to Tapper's question -- the one to which Panetta answered, "There is no question that we are abiding by international law and the law of war."As we scrutinize Panetta's statement, we see two possible ways to view it.The first is to see whether there's any credible dissent from the notion that "we are abiding by international law and the law of war" in "everything the CIA is doing in Pakistan." If there is credible dissent, then Panetta's statement that "there is no question" would be a clear exaggeration.We do detect dissenters from Panetta's perspective -- beginning with Alston himself, who certainly exudes skepticism even if not outright opposition."There are a huge number of legal questions associated with the drone program," said Steven R. Ratner, a University of Michigan law professor who specializes in international law. "Alston's report does not itself say that the U.S. drone program is illegal. He just raises a lot of good questions, (while leaving) the door open for some actions as legal." To Ratner, Alston qualifies as "a legitimate source of authority who is asking whether the U.S. is abiding by international law."Other experts in international law are raising similar questions.Mary Ellen O'Connell, a University of Notre Dame law professor, argues that "without a right to use military force on Pakistan's territory, we not only violate that state's rights under international law, we are violating the human rights of all victims, regardless of whether they are Taliban militants on a CIA hit list or bystanders. Some of the publicly acknowledged strikes in Pakistan have not been part of Pakistan's own armed conflict hostilities with Taliban. I know of no justification in international law for those."

A2: I-Law Adv. – Alt Cause – Drones

The major issue in I-Law is use of drones in the Middle East – it’s the main drain on US credibility

Lederer 9 (Edith M., AP writer, http://abcnews.go.com/US/wirestory?id=8931296&page=1) GAT

A U.N. human rights investigator warned the United States Tuesday that its use of unmanned warplanes to carry out targeted executions may violate international law. Philip Alston said that unless the Obama administration explains the legal basis for targeting particular individuals and the measures it is taking to comply with international humanitarian law which prohibits arbitrary executions, "it will increasingly be perceived as carrying out indiscriminate killings in violation of international law." Alston, the U.N. Human Rights Council's investigator on extrajudicial, summary and arbitrary executions, raised the issue of U.S. Predator drones in a report to the General Assembly's human rights committee and at a news conference afterwards, saying he has become increasingly concerned at the dramatic increase in their use, especially in Afghanistan and Pakistan, since June. He said the U.S. response — that the Geneva-based council and the General Assembly have no role in relation to killings during an armed conflict — "is simply untenable." "That would remove the great majority of issues that come before these bodies right now," Alston said. "The onus is really on the government of the United States to reveal more about the ways in which it makes sure that arbitrary executions, extrajudicial executions are not, in fact, being carried out through the use of these weapons." Alston's warning comes as President Barack Obama is weighing how to overhaul the U.S. approach to the Afghan conflict. Gen. Stanley McChrystal, the U.S. commander in Afghanistan, wants as many as 40,000 more troops while Vice President Joe Biden favors maintaining the current troop strength of around 68,000 and significantly increasing the use of unmanned drones and special forces for the kind of surgical anti-terror strikes that have been successful in Pakistan, Somalia and elsewhere. Alston, a law professor at New York University, said that while there may be circumstances where the use of drones "to carry out targeted executions" is consistent with international law, this can only be determined in light of information on the legal basis for selecting certain individuals. "What we need then is the U.S. to be more up front and say 'OK, we're prepared to discuss some aspects of this program,'" he said. Alston said the U.S. should provide details on use of drones, disclose what precautions it takes to ensure the unmanned aircraft are used strictly for purposes consistent with international humanitarian law, and what measures exist to evaluate what happened when their weapons have been used. "Otherwise, you have the really problematic bottom line -- which is that the Central Intelligence Agency is running a program which is killing significant numbers of people, and there is absolutely no accountability in terms of the relevant international laws," he said.

A2: Hollow Forces Adv. – No Solvency – Afghanistan War

Impossible to win a war in Afghanistan- no one has ever done it
Vandergriff 2010 (Don, <http://donvandergriff.wordpress.com/2010/06/28/why-the-taliban-is-winning-in-afghanistan/>, date accessed: 6/28/2010) AJK
As Washington and London struggle to prop up a puppet government over which Hamid Karzai has no control, they risk repeating the blood- soaked 19th-century history of Britain’s imperial defeat. In 1843, shortly after his return from Afghanistan, an army chaplain, Reverend G R Gleig, wrote a memoir about the First Anglo-Afghan War, of which he was one of the very few survivors. It was, he wrote, “a war begun for no wise purpose, carried on with a strange mixture of rashness and timidity, brought to a close after suffering and disaster, without much glory attached either to the government which directed, or the great body of troops which waged it. Not one benefit, political or military, has Britain acquired with this war. Our eventual evacuation of the country resembled the retreat of an army defeated.” It is difficult to imagine the current military adventure in Afghanistan ending quite as badly as the First Afghan War, an abortive experiment in Great Game colonialism that slowly descended into what is arguably the greatest military humiliation ever suffered by the west in the Middle East: an entire army of what was then the most powerful military nation in the world utterly routed and destroyed by poorly equipped tribesmen, at the cost of £15m (well over £1bn in modern currency) and more than 40,000 lives. But nearly ten years on from Nato’s invasion of Afghanistan, there are increasing signs that Britain’s fourth war in the country could end with as few political gains as the first three and, like them, terminate in an embarrassing withdrawal after a humiliating defeat, with Afghanistan yet again left in tribal chaos and quite possibly ruled by the same government that the war was launched to overthrow. Certainly it is becoming clearer than ever that the once-hated Taliban, far from being swept away by General Stanley McChrystal’s surge, are instead regrouping, ready for the final act in the history of Hamid Karzai’s western-installed puppet government. The Taliban have now advanced out of their borderland safe havens to the very gates of Kabul and are surrounding the capital, much as the US-backed mujahedin once did to the Soviet-installed regime in the late 1980s. Like a rerun of an old movie, all journeys by non-Afghans out of the capital are once again confined largely to tanks, military convoys and helicopters. The Taliban already control more than 70 per cent of the country, where they collect taxes, enforce the sharia and dispense their usual rough justice. Every month, their sphere of influence increases. According to a recent Pentagon report, Karzai’s government has control of only 29 out of 121 key strategic districts. Just recently, on 17 May, there was a suicide attack on a US convoy in the Dar-ul Aman quarter of Kabul, killing 12 civilians and six American soldiers; the following day, there was a daring five-hour- long grenade and machine-gun assault on the US military headquarters at Bagram Airbase, killing an American contractor and wounding nine soldiers, so bringing the death toll for US armed forces in the country to more than 1,000. Then, over the weekend of 22-23 May, there was a series of rocket, mortar and ground assaults on Kandahar Airbase just as the British ministerial delegation was about to visit it, forcing William Hague and Liam Fox to alter their schedule. Since then, a dozen top Afghan officials have been assassinated in Kandahar, including the city of Kandahar’s deputy mayor. On 7 June, the deadliest day for Nato forces in months, ten soldiers were killed. Finally, it appears that the Taliban have regained control of the opium-growing centre of Marjah in Helmand Province, only three months after being driven out by McChrystal’s forces amid much gung-ho cheerleading in the US media. Afghanistan is going down. Already, despite the presence of huge numbers of foreign troops, it is now impossible – or at least extremely foolhardy – for any westerner to walk around the capital, Kabul, without armed guards; it is even more inadvisable to head out of town in any direction except north: the strongly anti-Taliban Panjshir Valley, along with the towns of Mazar-e-Sharif and Herat, are the only safe havens left for westerners in the entire country.

A2: Hollow Forces Adv. – No Solvency – Afghanistan War

The US attitude towards the war and Afghan citizens makes it impossible to win the war in Afghanistan
Vandergriff 2010 (Don, <http://donvandergriff.wordpress.com/2010/06/28/why-the-taliban-is-winning-in-afghanistan/>, date accessed: 6/28/2010) AJK
After the jirga was over, one of the tribal elders came over and we chatted for a while over a glass of green tea. “Last month,” he said, “some American officers called us to a hotel in Jalalabad for a meeting. One of them asked me, ‘Why do you hate us?’ I replied, ‘Because you blow down our doors, enter our houses, pull our women by the hair and kick our children. We cannot accept this. We will fight back, and we will break your teeth, and when your teeth are broken you will leave, just as the British left before you. It is just a matter of time.’” What did he say to that? “He turned to his friend and said, ‘If the old men are like this, what will the younger ones be like?’ In truth, all the Americans here know that their game is over. It is just their politicians who deny this.” The defeat of the west’s latest puppet government on the very same hill of Gandamak where the British came to grief in 1842 made me think, on the way back to Kabul, about the increasingly close parallels between the fix that Nato is in and the one faced by the British 170 years ago. Now as then, the problem is not hatred of the west, so much as a dislike of foreign troops swaggering around and making themselves odious to the very people they are meant to be helping. On the return journey, as we crawled back up the passes towards Kabul, we got stuck behind a US military convoy of eight Humvees and two armoured personnel carriers in full camouflage, all travelling at less than 20 miles per hour. Despite the slow speed, the troops refused to let any Afghan drivers overtake them, for fear of suicide bombers, and they fired warning shots at any who attempted to do so. By the time we reached the top of the pass two hours later, there were 300 cars and trucks backed up behind the convoy, each one full of Afghans furious at being ordered around in their own country by a group of foreigners. Every day, small incidents of arrogance and insensitivity such as this make the anger grow. There has always been an absolute refusal by the Afghans to be ruled by foreigners, or to accept any government perceived as being imposed on the country from abroad. Now as then, the puppet ruler installed by the west has proved inadequate to the job.

A2: Iraq Forces Adv. – PMC’s Solve Hearts and Minds

Contracting solves occupational tensions – PMC’s hire local people to ease conflict between the military and the occupied nation.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

c. Internationalization of Force The privatized force industry’s ability to draw personnel from a variety of nationalities and backgrounds affords the State opportunities to diversify its presence in a way that more closely matches indigenous culture than would public force. There is usually tension whenever a state deploys its military in another country. This tension may be uncomfortable when soldiers are placed in allied countries, but can be deadly in the context of a military occupation. In either circumstance, however, incorporating the indigenous population into military operations is an effective way to reduce tensions with the citizenry.178 Similarly, the economic benefits that follow local contracting practices may reduce tension with the indigenous population.

PMC’s solve hearts and minds – they are more professional and know the local culture better than deployed troops.

Isenberg 6 (“The Good, the Bad, and the Unknown: PMCs in Iraq”, David, Senior Analyst, BASIC, February 10, http://www.basicint.org/pubs/2006PMC.pdf)KM

PMCs have done reasonably well in fulfilling their contracts in Iraq. They have performed difficult missions under trying circumstances. Generally, their personnel have conducted themselves professionally and are more in tune with the local culture than are regular U.S. military forces. In several, little noted cases, they performed above and beyond the call of duty. On the whole they are culturally more sensitive than the military. We need to remember that to be able to operate they have to mix with locals thus getting to know the local culture. Such integration is done professionally and during periods of relaxation. While one can’t eliminate the possibility of getting an ill-trained or unqualified person working for a company on the whole the level of professionalism compares favorably with, and in many cases exceeds that of regular military forces. For the sake of comparison consider the hapless reservists who were tasked with guarding inmates at Abu Ghraib, a task for which they were not trained.

A2: **Credibility Adv.**

PMCs don’t damage credibility- no emerging norm

Gul 6 (Saad, Law clerk to North Carolina Court of Appeals, Lewis and Clark Law Review, Vol. 10 No. 2, 5/17, http://legacy.lclark.edu/org/lclr/objects/LCB10\_2\_Gul.pdf)

There is plenty of additional evidence to buttress the argument that there is no emerging norm against mercenaries. Not only have states continued to hire and use mercenaries throughout the last few decades, but there have been few efforts to enact municipal laws to prevent citizens of a jurisdiction from becoming mercenaries.66 The very paucity of conventions on mercenary use may constitute indicia that states do not consider it to be an unacceptable practice, and reserve the option to resort to them if circumstances so warrant.67 The main argument against mercenaries is that they strip states of their monopoly on violence.68 So, for instance, Protocol I’s definition of mercenaries does not include fighters affiliated with any state.69 Much of the effort against them involves an effort to prevent free agents. Therefore, American PMCs that, as in Iraq, typically work under the auspices of states to stabilize nations and professionalize militaries are not the concern.70 The issue only arises if the PMCs appear to be acting on their own behalf, or at the behest of non-state actors.

PMCs only hurt credibility if they misbehave

O’Brien 8 (James, grad school thesis, Naval Post-Graduate School, http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA488740&Location=U2&doc=GetTRDoc.pdf

In practice, PMCs are an extension of a sovereign government. Backlash against the PMCs (for example, public disapproval of the disproportionate use of force) can affect how the world views that nation’s forces. The U.S. currently employs a large number of PMCs to The U.S. government needs the flexibility to leverage PMCs but at the same time must consider the effects of using PMCs on the overall mission. If PMCs are perceived as errant children, then national credibility and legitimacy are eroded. However, if PMCs can positively support and augment DoD forces, then deploying them is beneficial to the U.S. government. This thesis assesses the utility of PMCs for meeting U.S. policy objectives, with special attention to potential problems of using PMCs in combat zones and questions of accountability and oversight.

PMCs use politics to separate themselves from the military to gain credibility

Palomba 9 (Junio Valerio, E-International Relations, 10/2, http://www.e-ir.info/?p=2450)

Another fundamental strategy adopted by PMSCs is the co-optation of influential political members within their establishments and – more importantly – of former officers of the Armed Forces. The intent of this strategy is two-fold. Firstly, by recruiting members of the political élite to be reckoned with, PMSCs secure more political leverage at various levels of the decision-making processes: in other words, they make sure that they have a “privileged interlocutor” within the highest sphere of power that keeps their interests in mind at all times. Although similar to lobbying, this strategy is much more pragmatic and controversial. The example par excellence is the actual Vice-President of the United States Dick Cheney, who is also former Chief Executive Officer of Halliburton, by far the largest private logistic provider in the World. Another excellent example is the recent and rampant private career undertaken by Field Marshal and Baron Peter Anthony Inge, former Chief of the General Staff and professional head of the British Army between 1992 and 1994, who is now co- chairman of the Aegis board of directors, together with Tim Spicer. Secondly, by co-opting former member of the armed forces, PMSCs create a collusive environment where they avoid juxtaposition or contrast with the military. On the contrary, the result of this cooperation is a regime of “profitable continuity”, where an increasing number of high-ranking officials leave their positions within the Army to join PMSC for a much higher salary. In addition, retired member of the armed forces are also joining en masse these corporation, attracted by the potential economic benefits. This strategy produces a number of positive externalities, which are incredibly beneficial for PMSCs. Economically, this policy reduces drastically the training-related costs, as all employees are already experienced and have already been trained, sometimes with the highest standards. In terms of reputation, PMSCs can benefit from the stature and esteem that former member of the armed forces might have earned: as Singer points out, “Such officers are more likely to be trusted and respected when selling to foreign clients. Back home they can also call on a pre-existing network of contacts that feed them privileged information and contracts.”133 The possibility of having among the executive members of a security company a former general or a chief of staff increases exponentially the credibility of a PMSC: MPRI – for instance – has established rigorous recruiting policy, according to which they hire exclusively national military personnel.134

A2: Credibility Adv.

New codes of conduct builds credibility by holding contractors and the military to the same standard

French 8 (Lance R., Major in Air Force, 4/23, http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA484302)

Joint Publication 3-0 states the purpose of legitimacy is “to develop and maintain the will”35 necessary to achieve the objective. The “will” refers not only to the fighting force’s own military and citizens, but also coalition partners and world opinion in general. To keep a coalition together a commander must ensure the legitimacy of the operation is never threatened. This can happen if the objectives are altered or if the tactics and procedures to achieve the objective change in relation to the coalition approved objectives and procedures. In the case of contractors on the battlefield, using contractor personnel to engage in functions that appear to be combat related can have an effect on perceived legitimacy. The actions of combatants during armed conflict are governed by a set of rules called the law of international armed conflict.36 Because there is debate whether contractors are combatants or non-combatants, their use may be viewed as a way to get around this set of rules. News reports have surfaced that some contractors deployed with the force have engaged in activities that otherwise would be punishable if a military person had committed the act. In a recent hearing, the Chairman of the Oversight and Government Reform Committee, Representative Henry Waxman, told the story of a drunken employee of Blackwater (contractor providing security services in Iraq) who shot and killed the guard of the Iraqi Vice President. The shooting occurred not while the contractor was on a mission, but inside the protected Green Zone. The only punishment the contractor received was that he lost his job. Representative Waxman noted the legal inequality, “If a drunken U.S. soldier had killed an Iraqi guard, the soldier would face a court martial.”37 As a result of incidents like this, Congress reacted. In the 2007 National Defense Authorization Act, Section 552 was added: SEC. 552 CLARIFICATION OF APPLICATION OF UNIFORM CODE OF MILITARY JUSTICE DURING A TIME OF WAR. Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking “war” and inserting “declared war or a contingency operation”. 38 Before the 2007 NDAA was enacted, civilian contractor personnel accompanying the force fell under the jurisdiction of the Uniform Code of Military Justice (UCMJ) only in times of declared war. Now, however, contractor personnel fall under the jurisdiction of the UCMJ in times of declared war or a contingency operation. Therefore, contractors deployed with the force can now be held accountable to the same legal standard as the military force. Consequently, Secretary of Defense Robert Gates issued a memo to his service secretaries and commanders of the combatant commands to ensure they were all aware of the change to the UCMJ. Secretary Gates left no room for interpretation, “I expect commanders and their law enforcement authorities to act accordingly.”39 This change will have a profound effect on the United States’ struggle with legitimacy in Iraq. While the concept of legitimacy has many dimensions, by ensuring the entire force of the Department of Defense (military, civilian and contractor) is held accountable to the same legal standard, the DoD builds credibility by demanding a single standard of conduct for all persons in the theater of operations.

A2: Credibility Adv. – China Impacts

Human rights violations don’t escalate- China will find a way to pacifiy people

Holslag 9 (<http://www.theglobalist.com/storyid.aspx?StoryId=7876>, date accessed: 6/27/2010) AJK
Around the clock, state media outlets are broadcasting crippled victims of “Uighur extremism” or alleging that “foreign agitators” are attempting to humiliate China by stirring ethnic rivalry. The Chinese government will grasp events like these to strengthen its position as guardian of national security and to legitimize repression. But on the other hand, such unrest will undoubtedly push China’s government to step up efforts to prevent resistance by bringing more prosperity to the various ethnic minorities in its periphery. Government think tanks have been instructed to explore new options that would allow these groups to benefit from the new economy faster than before. Productivity remains a precondition for harmonious development. China is looking for modern industrial niches — high-tech, advanced services to allow its rich coastal provinces to release their traditional industries to their landlocked counterparts, and to move the development frontier westward. The Twelfth Five-Year Plan, to be launched next year, will likely try to consolidate this qualitative and geographical shift.

Collapse of the CCP is a) inevitable b) good

Epoch Times 4 (http://www.theepochtimes.com/news/4-12-1/24696.html , date accessed: 6/27/2010) AJK
More than a decade after the fall of the former Soviet Union and Eastern European communist regimes, the international communist movement has been spurned worldwide. The demise of the Chinese Communist Party (CCP) is only a matter of time. Nevertheless, before its complete collapse, the CCP is trying to tie its fate to the Chinese nation, with its 5000 years of civilization. This is a disaster for the Chinese people. The Chinese people must now face the impending questions of how to view the CCP, how to evolve China into a society without the CCP, and how to pass on the Chinese heritage. The Epoch Times is now publishing a special editorial series, “Nine Commentaries on the Communist Party.” Before the lid is laid on the coffin of the CCP, we wish to pass a final judgment on it and on the international communist movement, which has been a scourge to humanity for over a century. Throughout its 80-plus years, everything the CCP has touched has been marred with lies, wars, famine, tyranny, massacre and terror. Traditional faiths and principles have been violently destroyed. Original ethical concepts and social structures have been disintegrated by force. Empathy, love and harmony among people have been twisted into struggle and hatred. Veneration and appreciation of the heaven and earth have been replaced by an arrogant desire to “fight with heaven and earth.” The result has been a total collapse of social, moral and ecological systems, and a profound crisis for the Chinese people, and indeed for humanity. All these calamities have been brought about through the deliberate planning, organization, and control of the CCP. As a famous Chinese poem goes, “Deeply I sigh in vain for the falling flowers.” The end is near for the communist regime, which is barely struggling to survive. The days before its collapse are numbered.

A2: Credibility Adv. – China Impacts

CCP collapse inevitable

Shorrock (Tim, http://www.ipsnewsasia.net/bridgesfromasia/node/26, date accessed: 6/27/2010) AJK

Based on interviews conducted over five years, he argues that the Chinese regime in Beijing will inevitably fall due to corruption and the erosion of communism as its ruling ideology. "Strange things happen from Chinese dynasties near their end," Buruma writes in the opening paragraph of his book. "Dams break, earthquakes hit, clouds appear in the shape of weird beasts, rain falls in odd colors and insects infect the countryside." It is an ominous picture indeed. Ominous, but justified, Buruma said in Washington. "Nobody believes in the dogma anymore," he told a forum organised by the Sasakawa Peace Foundation. "Communism is simply not enough to give the government any legitimacy." Without an ideological glue to bind its rule to the people, Buruma said the Chinese government has resorted to traditional calls to preserve order and national interests and blatant appeals to materialism — namely, that its market-oriented economic policies can help "everyone get richer". But that approach could, in the long run, present serious problems because the free flow of goods and open capital markets often produce economic crises, such as the one that gripped most of East Asia just a few short years ago. "A government without legitimacy is not well-placed to cope with a crisis," he said. "Things could get very ugly indeed." The likelihood of unrest is strongest in rural China and among the urban unemployed, said Buruma, who has spent many years in Asia and studied in Japan. In analysing the ruling circles in mainland China, Taiwan, Hong Kong and Singapore, Buruma sees striking parallels in the intersection between politics and culture. Throughout greater China, he says, there is an assumption by the ruling parties that their special brand of politics — whether Marxist-Leninist in Beijing or free-market authoritarianism in Singapore — means that government is the guardian of Chinese institutions and tradition. "The idea that strong authoritarian government is a barrier against chaos" runs strong in both China and Singapore, he said. And in Taiwan, the Kuomintang, the long-time ruling party made up of Chinese exiles that fled the mainland in 1949, "saw themselves as the true guardians of the Chinese traditions smashed by Mao (Zedong)". "It's a kind of cosmic idea of politics that goes back centuries," Buruma said. Traditional Chinese rulers view themselves as "people who mediate between heaven and earth" and protect Chinese ethics, culture and politics from outside forces. That makes it easy for them to criticise "dissidents as anti-Chinese". Such thinking has profound implications for dissidents. "To be a rebel means not just being a political rebel but a saviour of Chinese civilisation," he added. In the long run, Buruma said, "the only guarantee of stability in China" is a "democratic, representative system". Minxin Pei, a political scientist and a senior associate at the Carnegie Endowment for International Peace, said the "real challenge" for Chinese dissidents is to "find practical ways to institutionalise democratic traditions".

China war over Taiwan inevitable

Khanduri 1 (Chandra, http://www.ipcs.org/article/military/revolution-in-military-affairs-rma-ii-476.html, date accessed: 6/28/2010) AJK

Among all nations of Asia , however, RMA has distinctly made significant strides in Israel and China . While Israel ’s standing is thus far unchallenged, China ’s modernization of PLA is turning its doctrine of ‘fighting in local condition’ to ‘fighting against an enemy in modern high technological battle field conditions’. It has an obvious reference to the Chinese apprehension of a future conflict over Taiwan .

A2: Readiness Adv. – Military Tech

Contractors are key to the US effort

Singer 7 (P.W. Senior Fellow and Director of the 21st Century Defense Initiative at the Brookings Institution, *Salon*) ET

What matters is not merely the numbers, but the roles that private military contractors play. In addition to war gaming and field training U.S. troops before the invasion, private military personnel handled logistics and support during the war's buildup. The massive U.S. complex at Camp Doha in Kuwait, which served as the launch pad for the invasion, was not only built by a private military firm but also operated and guarded by one. During the invasion, contractors maintained and loaded many of the most sophisticated U.S. weapons systems, such as B-2 stealth bombers and Apache helicopters. They even helped operate combat systems such as the Army's Patriot missile batteries and the Navy's Aegis missile-defense system.

PMC’s solve tech – they invent most of the high tech equipment the military uses.

Schreier and Caparini 5 (Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper - №6, “Privatising Security: Law, Practice and Governance of Private Military and Security Companies” Fred and Marina Geneva, March http://www.dcaf.ch/\_docs/op06\_privatising-security.pdf)KM

• It is more efficient to contract the operation and maintenance of sophisticated weapons systems to the companies that invented them. Rather than managing multiple contracts for weapons systems, its parts and maintenance, the military can manage one vendor who is responsible for meeting performance goals.286

PMC’s are needed for a high tech military, and because of public demands for humanitarian intervention and rejections of force-expanding measures such as the draft.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

The increasing advancement and dependence on technology requires states to find highly trained individuals to run and maintain the machinery of war. The correlation between technology and military privatization is underscored by evidence that the more technologically advanced the state army, the greater degree that army has been privatized.137 In his testimony before the Senate Appropriations Committee, Deputy Secretary of Defense Gordon England noted that “contractors are vital in an all-volunteer military force,” which is due, in part, to technological expertise the American government cannot duplicate.138 From machine guns to infrared sensors and transport planes to Predator drones, PMCs with employees specialized in various weapons systems are required for public troops to operate effectively.139 The market for privatized force reflects not only external factors, but also domestic judgments of individual states that have largely been adopted across the international community. Specifically, the rejection of conscription, value of “force protection,” internalization of global threats as domestic risks, enhanced respect for international human rights, and implicit acceptance and legitimacy of humanitarian intervention have raised the workload of the public military while restricting their use.

A2: Readiness Adv. – Military Tech

PMC’s provide specialized skills that are needed for high-tech military duties. No one else can substitute their services.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

b. Special Skills and Expertise Specialized skills are expensive to produce and create value in their holder that is redeemable in the private sector in a way that is impossible to replicate through public employment.169 Public pay scales are highly fixed and resist market forces even in circumstances in which the skill set sought by a civil employee is both objectively and subjectively highly valued. As a result, unsurprisingly, private contractors often possess expertise that is both highly demanded and financially under-compensated in the public sector. Under these circumstances especially, use of private sector actors can enhance the effectiveness of the military through contracting with corporate entities that have collected a labor force already skilled in the national security functions required by the government. This is even more so the case when the need for such skill sets are temporary and arise unpredictably. Specialization and expertise benefits run across the spectrum of privatization services—technological expertise impacts all aspects of the military. The need for special expertise in intelligence is acute. Contractors operating in human intelligence gathering often possess skills in domestic law enforcement or foreign language skills. Intelligence contractors engaged in electronic surveillance and open source intelligence gathering combine technological expertise and analytical skills with proven effectiveness.170 PMCs specializing in security operations operate databases that allow them to recruit from contractors with particular skills or particular experiences matching the type of mission for which they were contracted to perform—i.e., language or security details for government officials.171 The greatest numbers of private contractors provide logistical and technological support to the public military. The specialization of skills necessary to run military machinery has reached the point where not only is it prohibitively expensive to do within the military, but private contractors themselves must highly specialize their skill set to be able to effectively address the complexities of the technology they maintain.172 The bureaucratic strictures of the public sector do not allow the government the flexibility to identify, hire, or deploy these different skill sets as they might be needed.173

A2: Readiness Adv. – Military Readiness

PMC’s are easy to deploy and fast, alternatives would force the military to recruit many more.

Schreier and Caparini 5 (Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper - №6, “Privatising Security: Law, Practice and Governance of Private Military and Security Companies” Fred and Marina Geneva, March http://www.dcaf.ch/\_docs/op06\_privatising-security.pdf)KM

• Not only are PMCs generally more efficient and more flexible than regular armed forces, in some circumstances they are also better placed for rapid deployment and thus have the potential to make a legitimate and valuable contribution to international security. PMCs offer governments a “surge capacity” and can be mobilized on short notice to add to existing military capabilities. Without these companies and that surge capacity, the US would have to maintain a much larger standing military.276

Alternatives to PMC’s weaken the military’s morale and reenlistment rate.

Schreier and Caparini 5 (Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper - №6, “Privatising Security: Law, Practice and Governance of Private Military and Security Companies” Fred and Marina Geneva, March http://www.dcaf.ch/\_docs/op06\_privatising-security.pdf)KM

Employing the military for non-combat operations weakens the military by distracting it from its core mission of fighting wars. During the 1990s, the US military was often deployed in response to ethnic conflicts and collapsed national governments. One former Chairman of the Joint Chiefs of Staff noted that over time, “our response to the strategic environment has placed a wide range of demands on the US military” resulting in “imbalance between strategy, force structure and resources”.283 The US National Security Advisor justified withdrawing US troops from the Balkans because peacekeeping missions were “harming morale and reenlistment rates, weakening our military’s core mission”.284

PMC’s are key to military readiness globally – the military has no capacity to fill in if they were removed.

Lochbaum 8 (James “Private Military Companies, civilian contractors and the Global War on Terror” AUGUST 7 http://www.dbskeptic.com/2008/08/07/private-military-companies-civilian-contractors-and-the-global-war-on-terror/)KM

One often overlooked aspect of PMC is that of sheer necessity. In Iraq, PMCs are a force over 100,000 strong. That outnumbers the UK military, the second largest coalition force in the region, by a factor of ten. To suggest that these PMCs should be expelled means that coalition forces are going to have to come up with another 100,000 troops to fill these voids. PMCs are a smarter, more cost-effective choice in many situations. As the United States wages a global war on terror it has to be prepared to deliver local solutions to local problems on a global scale. A particularly famous and now defunct PMC is Executive Outcomes. This was used in the 90’s by the Angolan and Sierra Leone governments to expel UNITA and RUF rebel forces. Their rapidity and cost-effective actions are still touted today. This shows how a rapidly deployable, tailored force can take faster and more effective action than the bulky bureaucratic forces of nation states. The US military does not have nearly enough individuals with regional expertise to cover the globe and the cost of hiring and maintaining significant numbers of troops for every place on earth. But PMCs allow a government like that of the United States to hire highly specialized and mission-tailored units to supplement traditional troops in regions including The Philippines, Sudan and Haiti.

A2: Readiness Adv. – Military Readiness

PMC’s are used in ancillary functions to allow the military to focus on key missions, solves readiness.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

b. Mission Focus Privatizing ancillary national security functions allows the military and its soldiers to focus on developing and executing its core competencies.175 The greater the ability of the military to focus on preparing and planning for combat and conflict contingencies, the more the military benefits through superior soldiers and superior planning, and execution of war plans.176 Studies indicate that the ability to focus on non-logistical, combat-oriented training and preparation is a consistent factor in soldiers reporting high job satisfaction.177

A2: Readiness Adv. – Military Readiness

PMC’s are key to readiness – downsizing of forces necessitates contractor usage, not the other way around.

Adebajo and Sriram 00 (“Messiahs or Mercenaries? The Future of International Private Military Services” Adekeye Chandra Lekha , International Peace Academy *International Peacekeeping* Volume 7, Winter, No. 4 http://www.hoosier84.com/0004messiahsormercsintlpko.pdf)KM

Other nations are recognizing the utility of private military companies. The post-Cold War military downsizing has drastically diminished the combat readiness of Western militaries. While overall size has been reduced, more significantly the proportion of the militaries that are actual combat units has also been reduced. The war in Kosovo revealed to European NATO members how embarrassingly inadequate the combat arms of their militaries are compared to the United States. American aircraft did well over 90% of the bombing, and European militaries were painfully stretched even in providing the few necessary ground units for occupying Kosovo once Serbia had capitulated and pulled out. To be able to field more combat units European militaries will have to follow the American lead and increasingly turn over their logistics and supply operations to private companies so that they can focus their militaries into combat arms. The United Kingdom is a notable holdout against the privatization of their military services, purportedly on ethical reasons, but that policy will not last long and in any case would almost certainly not survive a change of government.

PMC’s solve military readiness – they allow forces to focus on core mission objectives.

Rochester 7 (“A Private Alternative to a Standing United Nations Peacekeeping Force” CHRISTOPHER M. ROCHESTER, 2007, Peace Operations Institute, http://peaceops.org/poi/images/stories/poi\_wp\_privatealternative.pdf)KM

Private peace and stability operations contractors are highly scalable, and can rapidly adapt to the constantly changing environment that conflict and post-conflict situations present. Private contractors maintain databases with thousands of individuals representing a wide array of skills and specialties that can be quickly hired to fulfill the changing needs of a mission. Because these specialists are not full time employees and are only employed as needed, the company can maintain a slim payroll and avoid the problems that plague the bloated UN personnel system. This swing capacity helps to enhance military readiness, by allowing the active units to focus on core mission objectives without becoming distracted by secondary or tertiary support and logistics concerns.

PMC’s are more efficient and allow the military to focus on core functions.

Schreier and Caparini 5 (Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper - №6, “Privatising Security: Law, Practice and Governance of Private Military and Security Companies” Fred and Marina Geneva, March http://www.dcaf.ch/\_docs/op06\_privatising-security.pdf)KM

Contracting out to private companies, agencies, or other intermediate types of administration has a place in efficient government. Privatization and outsourcing can reduce public spending and increase efficiency. Outsourcing made industry more competitive in the 1990s; it can do the same for the military.271 “In all its purchases, Department of Defense, like the commercial sector, should focus on getting the best value for each dollar spent instead of focusing excessively on performance”.272 Already in 1996, the US Defense Science Board estimated that by changing the way it does business, outsourcing and working more closely with the private sector, the US Department of Defense could save $30 billion annually.273 • Using contractors saves money and frees up the military to concentrate on its core missions.274 While contractors’ pay may seem high, it is cost-effective because they are paid only when needed. When comparing costs, the significant benefits received by armed forces personnel have to be taken into account. The average cash compensation to active-duty service members in 2002 was $43,000; but the average total compensation including cash and non-cash benefits was $99,000 (counting health care, housing, community services, retirement pay, and veterans’ benefits). The Congressional Budget Office estimated that the reduction in the number of armed forces since the late 1980s has reduced retirement fund payments alone by nearly $12 billion.275

A2: Readiness Adv. – National Security

And, contractors are really important to the war effort- they were correctly integrated

Schwartz 9 ( Moshe, specialist in defense acquisition, *Congressional Research Service*, Dec 14, pg 17, http://www.fas.org/sgp/crs/natsec/R40764.pdf ) ET

”48 The Gansler Commission echoed a similar sentiment, finding that segments of the Army have not recognized the important role contractors now have in DOD operations and the ability of contractors to influence the success of a contingency operation.49 Further integrating contractors into doctrine and strategy could help DOD better manage contractors, which in turn may mitigate the negative effects that some contractors have on DOD operations. Many analysts and DOD officials argue that the military’s experience in Iraq and Afghanistan, coupled with congressional attention and legislation, has focused DOD’s attention on the importance of contractors to operational success. According to DOD officials, prior to the wars in Iraq and Afghanistan, contracting was done on an ad-hoc basis and was not adequately incorporated into the doctrine—or culture—of the military. 50 DOD officials stated that doctrine and strategy are being updated to incorporate the role of contractors in contingency operations. DOD strategy can be found in a number of documents, including the National Defense Strategy and Quadrennial Defense Review. Army doctrine is published in field manuals such as Field Manual (FM) 3-0, Operations, which constitutes the Army’s view on how it conducts operations and “sets the foundation for developing the other fundamentals and tactics... detailed in subordinate field manuals.”51 Field Manual 3-24, Counterinsurgency, is a subordinate manual dedicated to counterinsurgency operations, such as those currently being conducted in Iraq and Afghanistan. The National Defense Strategy and Quadrennial Defense Review

And, contractors are planned into national strategy- removing them would hurt US

Schwartz 9 ( Moshe, specialist in defense acquisition, *Congressional Research Service*, Dec 14, pg 17, http://www.fas.org/sgp/crs/natsec/R40764.pdf ) ET

The National Defense Strategy and Quadrennial Defense Review (QDR) are high-level strategy documents that support the Administration’s National Security Strategy.52 Some analysts believe that, given the critical role contractors play in military operations, these documents should contain a sufficiently meaningful discussion of contractors. The most recent QDR, which runs almost 100 pages, spends about five sentences discussing the

role contractors play in military operations. In one reference to contractors, the report states “[t]he Department’s Total Force– its active and reserve military components, its civil servants, and its contractors.”53 The QDR’s most extensive discussion on contractors states that Implementing the new Department of Defense Instruction Contractor Personnel Authorized to Accompany U.S. Armed Forces is another step toward integrating contractors into the

Total Force. The Department’s policy now directs that performance of commercial activities by contractors, including contingency contractors and any proposed contractor logistics support arrangements, shall be included in operational plans and orders. By factoring contractors into their planning, Combatant Commanders can better determine their mission needs.

A2: Readiness Adv. – Military Transformation

PMC’s aren’t a transformation of military- they’re business as usual

Boggs 8 (PHD-Poli/Sci @ Berkeley, Prof @ Washington University in St. Louis, UCLA, USC, UC, Irvine, and Carleton University in Ottawa, *Fast Capitalism* vol 4.1, 8) ET

Horrific as they might be, therefore, no evidence is available to suggest the PMC’s represent an epic transformation of the U.S. military, although their contributions to American geopolitical ambitions obviously deserve notice. In fact their operations depart little from business-as-usual in the maintenance of Empire. The notion that private contractors embody unique forms of outlawry, primarily as wayward mercenaries, makes little sense when viewed in the larger historical context of U.S. military interventions. The PMC’s constitute yet another vehicle of American imperial objectives – a vehicle, moreover, not always known for its efficiency and reliability. Aside from their role in providing non-military supports for government and armed-forces work in the field along with construction, the general significance of PMC’s – including the argument they are harbingers of new “privatizing” trends -- has been dramatically overstated by Scahill and others. The pattern of U.S. imperial ventures is nowadays, as before, set at the very top of officialdom and marked by political continuity.

A2: Readiness Adv. – Destroy Military Culture

PMC’s don’t hurt military culture or steal soldiers – all brain-drain arguments are due to government bureaucracy and not structural flaws of PMC’s.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

1. Integrity / Culture of the Military A major concern of privatization is that the profit motive of contractors compromises the cultural norms of military life.74 Critics of privatization claim that the use of PMCs causes military brain drain,75 undermines military discipline and morale, and fractures the persona of the citizensoldier. 76 Under this view, the use of PMCs undermines the military community and morale through higher pay for contractors (causing brain drain), the contractor’s ability to refuse to deploy or leave the theater, and “the possibility that privateers will comport themselves in an unbecoming manner.”77 If the use of PMCs, independent of their unquestioned benefits in providing surge capacity and specialized (often technical) expertise, compromises the effectiveness of the public military in engaging in its primary goal of combat, then the entire industry of private force is called into question. The unmistakable primary objective of the military is to offer a society a force capable of defending its territory and winning wars. However, there are good reasons to be suspect of these claims. Further, recent empirical studies indicate that such harms do not play out in practice. As a historical matter, the indoctrination of public soldiers into military culture during basic training has traditionally been considered of preeminent importance.78 The armed forces operate in a necessarily complicated moral atmosphere where certain core components of mainstream morality are overturned (i.e., the prohibition on killing) and popular mainstream virtues are suppressed (i.e., independence, challenging authority) for the sake of military efficiency. In theory, public soldiers are indoctrinated in military culture in order to absorb complicated rules to facilitate navigating the resulting moral minefield and gain a sense of community housed within the pursuit of a larger purpose.79 Fidelity to this community, as well as adherence to military values of honor and courage, are fundamental to military culture.80 Concerns over military retention rates and overall morale are essential to an all-volunteer force. Morale is an important, if ubiquitous, concern for a military extended all over the world and engaged in multiple, simultaneous armed conflicts. Similarly, sluggish military retention has been cited as a reason for unpopular and invasive stop-loss programs which have unilaterally extended soldiers’ contracts and forced them into unwanted deployments.81 In 2003, following the commencement of the Iraq War, the number of soldiers indicating intent to leave the military at the conclusion of their present assignment moved from about 12.5% to 20%.82Military culture and the incorporation of private actors in exerting state force are not mutually exclusive. Most contractors acting in an operational capacity have served in the military and are indoctrinated in its principles. Contractors who provide logistical support have spared public soldiers many of an enormous spectrum of mundane tasks of the potato peeling and latrine cleaning variety that defined the World War II era military. To the extent there has been an increase in cynicism in the military and a societal downgrade in honor and prestige afforded to soldiers since World War II, it more likely reflects the rise of an all-volunteer force, the sociological remnants of Vietnam, and a pervasive mistrust of governmental entities, generally.83 Claims that public soldiers mistrust PMCs in a way that disrupts military culture shortchange the successful incorporation of foreign forces with U.S. forces in multinational operations and the relative separation of PMC duties from that engaged in by regular soldiers.84 The concern that PMCs and their contractors might fail to perform in dangerous circumstances has not proven to be true in the context of the Iraq War, where nearly all PMCs have deployed as contracted.85 Empirical data assessing the mindset and relationship of the contractor/soldier relationship also contests the claims of disrupted military integrity and effectiveness. Data suggest that members of the public military and contractors in all strata of PMCs possess the same motives for joining each institution and utilize similar reasoning for final determinations to stay or leave at the end of their contract. The increased difficulties in retaining military personnel appear to reveal more traditional concerns than a rush for greener pastures. All branches of the U.S. Armed Forces faced recruiting and retention shortfalls in the late 1990s.86 Asrecently as 2004, surveys indicated that soldiers who had served in Afghanistan and Iraq predominantly indicated that their intention to leave the military was due to familial concerns (often relating to deployments) and general job dissatisfaction (primarily tied to feeling tied up by bureaucracy).87 <CONTINUED>

A2: Readiness Adv. – Destroy Military Culture

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Intent to leave the military in favor of private military service was not even on the radar.88 In contrast, studies indicate that “[n]either level of contact nor social comparisons with civilian contractors have a significant direct effect on intention to remain in service for military personnel.”89 Further, soldiers informed researchers that contractors possess similar experience as active duty soldiers, increase efficiency, increase effectiveness, free active duty personnel to focus on core military duties, and are equally motivated as soldiers to do a good job.90 While PMCs are paid a higher salary, both contractors and soldiers acknowledge that public soldier benefits outstrip those of the contractor community.91 These non-salary-based advantages of job security, retirement benefits, and health benefits appear to effectively bridge the perception of economic disparity between them and their private counterparts.92 Outside of pay, public soldiers indicated that they believe that civilian contractors possess greater opportunities for autonomy and an ability to negotiate terms of their employment.93 Interestingly, the primary point of social disadvantage that soldiers feel relative to contractors is “the way the Army’s policies are put into practice,” in other words hurdles of governmental bureaucracy.94 Contractors and public soldiers had an identical score in their agreement that their work “makes a contribution to society.”95 Overall, the empirical data conclude that while soldiers feel somewhat disadvantaged on issues of pay and job flexibility, this disadvantage is ascribed to military structure and, as a result, the “social comparisons do not appear to impact service members’ feelings toward their civilian coworkers.”96

A2: Readiness Adv. – Hurt Retention

PMC usage is driven by low retention, not the other way around.

Isenberg 4 (“PMC Sector: A Marriage between Government and the Private Sector”, David http://www.basicint.org/pubs/Research/2004PMC2ii.pdf)KM

Another paper, prepared for a military conference noted: The notion, much less the requirement, of placing contractors on the battlefield is the cumulative effect of reduced government spending, force reductions/government downsizing, privatization of duties historically performed by the military, low retention rates--particularly in high technology positions, reliance upon increasingly complex technology, higher mission requirements, low military salaries, and recruitment shortfalls all within a booming economy and budgetary surplus projections.13

PMC’s help military retention – statistically proven.

Cotton et al 10 (Sarah K. Cotton, Ulrich Petersohn, Molly Dunigan, Q Burkhart, Megan Zander–Cotugno, Edward O’Connell, Michael Webber, “Hired Guns”, RAND, http://www.rand.org/pubs/monographs/2010/RAND\_MG987.pdf)KM

These perceptions may be deceiving, however: A 2005 Government Accountability Offi ce (GAO) report found military attrition levels within the specialties favored by private security contractors to be about the same in 2005 as they were before the September 11, 2001, terrorist attacks (Lardner, 2006). Furthermore, controlling for length of time in service, some of the retention data indicate that military retention has actually been increasing in recent years. Early-career Army soldiers, for example, are reenlisting in greater numbers: As of December 2008, the retention rate for this group was 20 percentage points higher than in fi scal year 2004 (Milburn and Manning, December 2008). Yet, these issues should all be considered in the broader context of factors aff ecting retention during recent years. Such factors include military reenlistment bonuses and the possibility that PSC employment opportunities are actually a complementary part of an overall career path for military personnel that could even have a positive impact on recruiting in the long run (Hosek et al, 2004; Hosek and Martorell, 2009).

PMC’s do not hurt retention, they hire non-citizens when stationed in other countries.

Cotton et al 10 (Sarah K. Cotton, Ulrich Petersohn, Molly Dunigan, Q Burkhart, Megan Zander–Cotugno, Edward O’Connell, Michael Webber, “Hired Guns”, RAND, http://www.rand.org/pubs/monographs/2010/RAND\_MG987.pdf)KM

But offi cials from the private security industry insist that their companies pose no challenge to military retention rates. Th ey cite a 2005 GAO report that found military attrition levels within the specialties favored by private security contractors to be about the same in 2005 as they were before the September 11, 2001, terrorist attacks ( Lardner, 2006). In addition, Doug Brooks, president of the International Peace Operations Association—a trade association representing more than 50 private military and security fi rms—points out that the vast majority of the armed private security contractors employed in Iraq are not American citizens, and thus the industry’s operations in Iraq cannot possibly off er extensive employment opportunities for former U.S. special forces operators (Lardner, 2006). As noted in Chapter One, we impose a high threshold of expectations for PSC behavior because their purpose as an institutionalized part of the U.S. defense establishment is to augment the force (Department of Defense, 1990). Th us, we do not expect that the survey data will indicate that military and DoS personnel perceive PSCs to have an adverse eff ect on military retention and morale. Th is is particularly so because military continuation rates, with a few exceptions, have actually held fairly steady for all the military services over the course of the Iraq war1 (Figures 3.1 and 3.2).

Retention is being hurt by high operational tempo – PMC’s solve this.

Goff 4 (Stan, “THE MERCENARY VARIABLE – OUTSOURCED COMBAT IN IRAQ”, http://www.fromthewilderness.com/free/ww3/040604\_mercs.html)KM

The recruitment and retention crisis that is looming in response to the terrible increase in the military's operational tempo has been stemmed to some degree by Stop Loss, a program approved by executive order that allows the military to retain service members beyond their discharge dates for years. Stop Loss has affected around 70,000 troops so far,9. but it is a program that generates increased resentment from GIs against the military. And the draft is an option being considered, but one that is politically very unpalatable and strongly opposed by Donald Rumsfeld. Filling these gaps with hired guns makes a kind of perverse sense.

A2: Readiness Adv. – Morale

Alt cause to morale – age and financial situation drastically affect perceptions of morale damage.

Cotton et al 10 (Sarah K. Cotton, Ulrich Petersohn, Molly Dunigan, Q Burkhart, Megan Zander–Cotugno, Edward O’Connell, Michael Webber, “Hired Guns”, RAND, http://www.rand.org/pubs/monographs/2010/RAND\_MG987.pdf)KM

Th e question of morale is closely related to the debate about the eff ect of higher contractor salaries on retention. Should the pay disparity between private security contractors and members of the armed forces dampen military morale, this could fuel the argument that higher contractor pay has a negative eff ect on retention, because lower morale would understandably be a disincentive to reenlist. Th e military personnel surveyed—all of whom had served in Iraq—did believe that the disparity in pay had been detrimental to morale in their units while they had been in the Iraqi theater (Figure 3.4). Again, this was the majority view regardless of age or rank. But more lower-ranking and younger military personnel were of this opinion than their higher-ranking and older counterparts. Th e fact that older and higher-ranking military personnel seem less bothered by the pay disparity with private security contractors suggests that one’s own fi nancial situation and, possibly, comfort with career decisions over a longer time horizon, may play a role in shaping perceptions on this issue. Viewing the issue from outside the military, State Department personnel in our survey largely seconded the general perception within the armed forces. Th e majority of lower-earning diplomatic personnel and those younger than 35 felt that during the time they were posted to Iraq, the relatively higher pay of armed contractors had a clearly detrimental eff ect on U.S. military morale (Figure 3.5). However, fewer higher earners than lower earners felt the higher contractor pay had a negative eff ect, and fewer of those over age 35 felt this way than did their younger counterparts. Again, these results indicate that one’s fi nancial situation and age might shape views in this area, with older, more fi nancially secure individuals being less troubled by contractors’ relatively higher pay.

A2: Readiness Adv. – A2: Overstretch

PMCs perform crucial tasks- changing rules would exacerbate military overstretch.

Singer 7 (Peter, <http://www.brookings.edu/opinions/2007/1007militarycontractors.aspx>, date accessed: 6/27/2010) AJK
By your own department's count, more than 160,000 for-hire personnel are working in Iraq today, which, amazingly, is greater than the number of uniformed military personnel there. These private forces perform all sorts of key functions, such as moving fuel, ammunition and food, as well as protecting top U.S. officials and guarding bases and convoys. Handing those tasks over to U.S. troops would further overstretch a military that you've warned is already dangerously overstretched. Hence the allure of outsourcing the jobs to private firms. But while we can't go to war without 'em , we also can't win with 'em. Our military outsourcing has become an addiction, and we're headed straight for a crash.

A2: Spending Adv. – Budget Low Now

The DOD Budget is actually decreasing – the wars we are in are misleading

Sanandaji 6/23 (Tino, Jun 23, 2010, http://wallstreetpit.com/32681-how-much-is-military-spending)KFC

The Wars in Afghanistan and Iraq are costly, especially in terms of lost lives. However, they are probably not as expensive in financial terms as people think. In 2010 national defense costs about 680 billion dollars, which translates to approximately 4.5% of GDP. The 2 wars are about 1-2% of GDP. During the cold war (1946-1989) defense spending as a share of GDP averaged 7.7%. Overall, the share of national income that goes to defense has been declining, with the expectation of two minor bumps associated with the Iraq war and now the escalation in Afghanistan. There are those in Europe who claim that the U.S is engaged in an arms race. However all of the increase in military spending is due to the operations in Afghanistan and Iraq, in fact in terms of procuring weapons excluding Iraq and Afghanistan U.S military spending as a share of GDP has declined. This is from the Congressional Budget Office.

A2: Spending Adv. – Cost

PMC’s are cheaper – soldier’s can’t be dismissed in peacetime, but contractors can have their contracts ended.

Sullivan 10 (*CONNECTICUT LAW REVIEW* VOLUME 42 FEBRUARY 2010 NUMBER 3, “Private Force / Public Goods” SCOTT M., Assistant Professor of Law, LSU, http://connecticutlawreview.org/documents/ScottM.Sullivan-PrivateForce-PublicGoods.pdf)KM

a. Cost Efficiency and Effectiveness The cost efficiency and effectiveness of national security privatization have been controversial. Many claim the use of PMCs undermines the threshold question of turning to the private sector—economic savings.158 Some commentators have indicated that cost-savings are a lesser priority in national security and simple effectiveness should be the only gauge in assessing the value of PMCs.159 The efficient utilization of monetary resources, however, even in wealthy countries, materially affects the ability to project force.160 In other words, a dollar spent on a contractor who could be easily replaced by a public soldier for ninety cents is ten cents wasted, money that could have been used elsewhere. In this vein, several scholars have argued that the cost-savings benefits of PMCs are illusory due to the high cost of securing contractors.161 As an example, when MPRI was contracted to take over ROTC training, its cost per instructor was $10,000 higher per year than the public instructors it replaced.162 More recently, reports that another PMC, KBR, was charging the military tens of millions of dollars for fuel delivery presented additional anecdotal evidence that the cost-savings of PMCs were, at best, highly limited.163 Empirically, judging whether the use of PMCs is economically efficient depends entirely on the frame of reference. The United States has spent over $85 billion for the work of military contractors since the beginning of the war and the tab was expected to climb to over $100 billion by the end of 2008.164 According to a recent Congressional Budget Office Report, the costs to support a soldier and a contractor in the field during wartime are roughly the same.165 The State, however, is not always at war. At the conclusion of a conflict, or as a conflict winds down, the State can reduce its usage of PMCs in a way unavailable with public soldiers. As public soldiers must be trained and remain prepared for action at any time, they cannot be discarded as the need for their services wanes. Those soldiers continue to draw a full salary and accrue benefits packages.166 Because public soldiers remain in the force structure much longer, during peacetime the public soldier’s cost is approximately cut in half, while contractors can be immediately dismissed, reducing costs to a negligible amount.167 Over a period of ten years, half assumed to be peacetime, the privatization of security services alone is estimated to save the government over one billion dollars.168

Contractors good- they provide cheaper services.

Scahill 7 (Jeremy, Puffin Foundation Writing Fellow at The Nation Institute, is the author of the bestselling Blackwater, *The Independent,* Aug 10, http://www.uruknet.info/?p=35239 ) ET

Doug Brooks, the head of the Orwellian named mercenary trade group, the International Peace Operations Association, argued from early on in the occupation, "Museums do not need to be guarded by Abrams tanks when an Iraqi security guard working for a contractor can do the same job for less than one-fiftieth of what it costs to maintain an American soldier. Hiring local guards gives Iraqis a stake in a successful future for their country. They use their pay to support their families and stimulate the economy. Perhaps most significantly, every guard means one less potential guerrilla."

PMC’s provide savings for clients through market forces.

Rochester 7 (“A Private Alternative to a Standing United Nations Peacekeeping Force”, CHRISTOPHER M. , , http://peaceops.org/poi/images/stories/poi\_wp\_privatealternative.pdf)KM

Private peace and stability operations companies combine the benefits of the private sector with the experience and skills gained from active military or government employment. Conscientious about profit and revenue, these companies aim to deliver services at a decreased marginal cost, passing savings onto the consumer. Savings also come from the existence of competition within the industry. Through competition, companies are forced to justify costs and demonstrate value to the client. The clients include governments, militaries, NGOs, humanitarian organizations, and private businesses. The possibility of UN contracting is a lucrative and intriguing proposal for developing new business for these companies, and competition would be strong for UN contracts, ensuring the UN would benefit the most from a contracting arrangement.

A2: Spending Adv. – Cost

PMC’s are cheaper to employ – the GAO report proves.

Isenberg 10 (David, Author, Shadow Force: Private Security Contractors in Iraq, March 4, “At long last! IPOA is Right”, http://www.huffingtonpost.com/david-isenberg/at-long-last-ipoa-is-righ\_b\_486015.html)KM

Doug Brooks, founder and head of IPOA, a trade group for private military and security contractors, has long claimed that using such contractors is more effective than their public sector counterparts. Indeed, search online for "Doug Brooks and cost effectiveness" and you get 33,500 results. Now, it appears that he is right, at least mostly, in his view, according to a report released today by the Government Accountability Office. The report "Warfighter Support: A Cost Comparison of Using State Department Employees versus Contractors for Security Services in Iraq" focused on determining the costs to the Department of Defense and the State Department of using private security contractors for security services versus using federal employees to provide the same services. The report reviewed four task orders of the Worldwide Personal Protective Services (WPPS) II contracts and one contract for Baghdad embassy security. WPPS is the way the State Department hires private security firms to protect its personnel around the world. GAO based its review on assumptions provided by the State Department. These included that the State Department would have to recruit, hire, and train new employees who would all be U.S. citizens; the employees would serve 1 year in Iraq and then return to the United States; and the State Department would use the same number of employees the contractors use to provide security. What the GAO found was: Our comparison of likely State Department costs versus contractor costs for four task orders and one contract awarded by the State Department for security services in Iraq showed that for three of the task orders and the contract, the cost of using State Department employees would be greater than using contractors, while the State Department's estimated cost to use federal employees was less for the other task order. For example, using State Department employees to provide static security for the embassy in Baghdad would have cost the department approximately $858 million for 1 year compared to the approximately $78 million charged by the contractor for the same time period.

A2: CMR Adv.

Forcing the military to take on civilian tasks hurts CMR.

Schreier and Caparini 5 (Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper - №6, “Privatising Security: Law, Practice and Governance of Private Military and Security Companies” Fred and Marina Geneva, March http://www.dcaf.ch/\_docs/op06\_privatising-security.pdf)KM

• The armed forces should not be used in actions that are not fundamental to national security, such as drug interdiction and nation-building. Since the 1990s, there has been a trend toward civilian authorities directing the military to undertake such tasks. This demonstrates the lack of understanding of the purpose of armed forces, which is to apply overwhelming and lethal force to defend national security. According to the US Commission on National Security, “if these trends continue, a small professional military will stand increasingly apart from the country and its leaders”.285

A2: War on Drugs Adv. – Turn – WOD Training

Turn - PMCs train the police to fight the War on Drugs

Bourge 3 (Christian, August 26, 2003, http://www.commondreams.org/headlines03/0826-06.htm)KFC

In the United States alone there are more than 30 PMCs that do a host of activities for the Pentagon at an estimated cost of $25 billion in 2004. One of the largest such contractors is DynCorp International. Among the large but shadowy firm's contracts is providing intelligence and troop training in Colombia as part of the U.S. war on drugs. The company also provides security for Afghan President Hamid Karzai under a contract from the State Department. Halliburton Corp., a former employer of Vice President Dick Cheney, handles logistical support for American forces in the Balkans. A division of the company, Kellog, Brown & Root, is heavily involved in the rebuilding process in Iraq. In Iraq, private companies are handling all the post-war reconstruction contracts. DynCorp has a contract to train the country's new police force. The phenomenon of military support by private companies has produced dazzling results, both positive and negative.

Turn – PMCs help fight the war on drugs and hide troop deaths

Beutel 5 (M. Dee, MA in Diplomacy & Military Sci, June 2005, http://princess.digitalfreaks.org/thesis/beutelmdthesis.pdf)KFC

DynCorp, a large PMC primarily involved in Latin America, has been involved in the war against drugs. Following the standard PMC modus operandi, its employees are training the national armed forces, providing logistical support, and sometimes becoming directly involved in combat. While Congress has restricted the number of troops that can be deployed in Central America, the Pentagon is able to use contractors to circumvent that limitation.120 PMC involvement has allowed the United States to enact a physical foreign policy on the war on drugs; contracting DynCorp ensures that the Americans constituency will not hear of national soldiers being killed. When three DynCorp contractors were killed in Peru in 1992, The New York Times gave 113 words of attention.121

Turn - PMCs are the primary fighters on the War on Drugs

Bourge 3 (Christian, August 26, 2003, http://www.commondreams.org/headlines03/0826-06.htm)KFC

Despite his praise, Carstens added that Colombia is a prime example of a situation in which greater congressional oversight is needed. Private firms, primarily DynCorp and Northrop Grumman, largely carry out the U.S. anti-narcotics campaign in the country. Operations personnel working for private contract firms has been abducted and killed by the main rebel group, the Revolutionary Armed Forces, and the effectiveness of the operations has been limited at best. In a situation like Colombia, congressional oversight remains minimal and mostly relate to funding levels, because the private companies are running the show. Military policy experts view the use of PMCs as a good way for the U.S. government to avoid the controversy often inherent to politically difficult missions because operational specifics on the ground are in the hands of contractors, not U.S. officials. Carstens also noted that these firms do not necessarily live up to the code of conduct governing the U.S. military and others top forces around the world. This is important because the peacekeeping operations take place in countries where the rule of laws has collapsed, making local law enforcement difficult.

AT: Colombian Oil Scenario – NUQ – Support Now

There is support for protecting pipelines now – U.S funding and personnel proves.

Klare 4 (Michael, professor of peace and world security studies at Hampshire College, [http://www.tomdispatch.com/post/1888/michael\_klare\_on\_oil\_wars\_and\_the\_american\_military] AD: 7/3/10)JM

Or take embattled Colombia, where U.S. forces are increasingly assuming responsibility for the protection of that country's vulnerable oil pipelines. These vital conduits carry crude petroleum from fields in the interior, where a guerrilla war boils, to ports on the Caribbean coast from which it can be shipped to buyers in the United States and elsewhere. For years, left-wing guerrillas have sabotaged the pipelines -- portraying them as concrete expressions of foreign exploitation and elitist rule in Bogota, the capital -- to deprive the Colombian government of desperately needed income. Seeking to prop up the government and enhance its capacity to fight the guerrillas, Washington is already spending hundreds of millions of dollars to enhance oil-infrastructure security, beginning with the Cano-Limon pipeline, the sole conduit connecting Occidental Petroleum's prolific fields in Arauca province with the Caribbean coast. As part of this effort, U.S. Army Special Forces personnel from Fort Bragg, North Carolina are now helping to train, equip, and guide a new contingent of Colombian forces whose sole mission will be to guard the pipeline and fight the guerrillas along its 480-mile route.

Impact is not unique – we are already stepping up military support.

Klare 4 (Michael, professor of peace and world security studies at Hampshire College, [http://www.tomdispatch.com/post/1888/michael\_klare\_on\_oil\_wars\_and\_the\_american\_military] AD: 7/3/10)JM

As noted, a very similar trajectory is now under way in Colombia. The American military presence in oil-producing areas of Africa, though less conspicuous, is growing rapidly. The Department of Defense has stepped up its arms deliveries to military forces in Angola and Nigeria, and is helping to train their officers and enlisted personnel; meanwhile, Pentagon officials have begun to look for permanent U.S. bases in the area, focusing on Senegal, Ghana, Mali, Uganda, and Kenya. Although these officials tend to talk only about terrorism when explaining the need for such facilities, one officer told Greg Jaffe of the Wall Street Journal in June 2003 that "a key mission for U.S. forces [in Africa] would be to ensure that Nigeria's oil fields, which in the future could account for as much as 25 percent of all U.S. oil imports, are secure."

U.S military support is prominent now.

Kovalik 1/27 (Daniel, graduate of Columbia U School of Law, [http://www.counterpunch.org/kovalik01272010.html] AD: 7/3/10)JM

This past summer, President Obama announced that he had signed an agreement with Colombia to grant the U.S. military access to 7 military bases in Colombia. As the UK’s Guardian newspaper announced at the time, “[t]he proposed 10-year lease will give the US access to at least seven Colombian bases – three air force, two naval and two army – stretching from the Pacific to the Caribbean.” And, these bases would accommodate up to 800 military and 600 civilian contractors of the United States. As the Guardian explained, this announcement caused outrage in neighboring Latin American nations and “damaged Barack Obama's attempt to mend relations with the region.”

AT: Colombian Oil Scenario – NUQ – Attacks Now

Attacks on oil pipelines have fluctuated without any effects.

Veillette 5 (Connie, Analyst for CRSin Latin American Affairs, June 22, [http://www.fas.org/sgp/crs/row/RL32774.pdf] AD: 7/3/10)JM

Colombia has been an important petroleum exporter, but the armed conflict has led to production decreases. Oil exports are its largest single source of foreign revenue, accounting for 28% of export revenues and 10% of government revenues in 2003. Production declined to 560,206 barrels per day (bbl/d) in 2003 from a high of 830,000 bbl/d in 1999. It exported 195,000 barrels per day to the United States in 2003, a decrease of 25% from 2002. This follows a 13.5% decline the previous year.35 Both the FARC and ELN have targeted energy production and transportation infrastructure. A major target has been the 490-mile Caño Limón Coveñas oil pipeline. In 2001, it was bombed 170 times resulting in shutdowns for seven months at a cost of approximately $500 million in revenues and royalties to Colombia. Since then, there has been a marked decrease in attacks. Aggressive exploration of new reserves has been hindered by the fighting and the lack of effective government control of all parts of the country. Colombian officials have warned that the country could soon become a net importer of oil if no new significant fields are found.

AT: Colombian Oil Scenario – No Impact – Effectiveness

Structural problems in Columbia have doomed any special operations effectiveness.

Fisman 2/3 (Ray, Lambert Family Professor of Social Enterprise @ Columbia U, [http://www.slate.com/id/2242962/pagenum/all/] AD: 7/3/10)jm

Yet a recent evaluation of military and anti-narcotics aid to Colombia argues that neither American nor Colombian interests were well served by U.S.-supplied training and arms. The authors find that rather than bringing stability, increases in military aid caused spikes in violence from Colombia's infamous paramilitary organizations and had no impact whatsoever on coca production. Plan Colombia, it seems, may have served as little more than a conduit for channeling weapons to the destabilizing influences that it was meant to suppress. Civil war and drug trafficking have long, intertwined histories in Colombia. The current conflict has its roots in a 1960s communist insurgency, which has evolved into a three-way fight involving communist guerrillas, the government, and right-wing paramilitary groups. These days, two guerrilla armies—the FARC and ELN—continue to operate in the countryside with the stated aim of overthrowing the government. The paramilitary organizations have their origins in the private armies formed by drug cartels and landowners in the 1980s to fight back against guerrilla shakedowns. Despite the paramilitary's record of kidnapping, extortion, murder, and cocaine trafficking, the Colombian government subscribes to the belief that "the enemy of my enemy is my friend." Paramilitary groups were declared illegal in 1997, but the government continues to cooperate with them informally to fight insurgents, share intelligence and weapons, and sometimes even conducts joint operations. Given the central role of the drug trade in financing both guerrilla and paramilitary operations, military and anti-narcotics support from the United States have been connected from the start, beginning not long after Richard Nixon declared the War on Drugs in 1971. American-Colombian collaboration has seen its share of successes—Delta Force and Navy SEAL experts helped to hunt down and kill the original Medellin kingpin, Pablo Escobar. But throughout the 1990s, U.S. assistance grew dramatically, making Colombia the largest recipient of military aid outside of the Middle East and Afghanistan. Has the money been well-spent?

AT: Colombian Oil Scenario – Internal Link Turn – Democracy

U.S military support props up groups who attack oil pipelines and undermine democracy.

Dube and Naidu 10 (Oeindrila, post-doctoral fellow at the Center for Global Development, and Suresh, faculty member in the Department of Economics at UC Berkeley, [http://www.cgdev.org/files/1423498\_file\_Dube\_Naidu\_Military\_Aid\_FINAL.pdf] AD: 7/3/10)JM

Although advanced countries transfer substantial resources to developing countries in the form of military assistance, little empirical work has evaluated the impact of military aid. This paper has estimated the effect of U.S. military assistance on conflict and electoral participation in Colombia, a country torn apart by civil war over the past four decades. We exploit the channeling of U.S. aid to army brigades, which are headquartered at bases in particular municipalities, to obtain within-country spatial variation in the allocation of military assistance. Using highly disaggregated conflict data from 1988-2005, we find that increases in U.S. military aid increased attacks by paramilitary groups differentially in municipalities containing military bases. In contrast, we find no significant effect on guerilla attacks. We interpret this finding as consistent with the well-documented collusion that takes place between the Colombian military and paramilitaries in fighting the guerillas. These results are robust to specifications, sub-samples, and an instrumental variables strategy based on worldwide increases in U.S. military aid (outside of Latin America). The coefficient estimates imply that the average annual increase of 92% in U.S. military aid to Colombia is associated with 138% more paramilitary attacks per year in base regions, relative to non-base regions during this period. Surprisingly, we find no evidence that the aid shock reduces coca cultivation, despite the anti-narcotics bent of U.S. assistance. Turning to the implications for Colombian politics, we first document that there are more paramilitary homicides during election periods when U.S. military aid is high in base regions, and that this aid shock leads to differential paramilitary assassinations of politicians and community leaders in election periods relative to non-election periods. As before, we find no corresponding increase in guerilla political assassinations. We also find that voter turnout falls more in base municipalities when U.S. military assistance rises, which we interpret as a consequence of increased paramilitary capacity to intimidate voters and reduce electoral participation. Consistent with this interpretation, the fall in turnout is larger in base municipalities that were previously contested either militarily or electorally, which are the regions where armed actors benefit the most from having an allied elected official, or where the return from intimidating voters is greatest for achieving political control. Though we focus on Colombia, our results speak to broad questions in political development and international assistance. Military aid is sometimes proposed as a cure for the weak state, as it is presumed to enhance the government's repressive capacity, and facilitate its ability to secure a \monopoly on the legitimate use of violence." Yet our results suggest that, in environments such as Colombia, where there is collusion between the military and illegal armed groups, international military assistance can strengthen armed non-state actors, who rival the government over the use of violence. Our findings also document a channel through which foreign 26 military aid can undermine formal democratic institutions, namely, by equipping organizations that use violence to manipulate elections.

Democracy stops extinction.

Diamond 95 (Larry, leading contemporary scholar in the field of democracy studies, [http://www.wilsoncenter.org/subsites/ccpdc/pubs/di/fr.htm] AD: 6/23/10)JM

This hardly exhausts the lists of threats to our security and well-being in the coming years and decades. In the former Yugoslavia **nationalist aggression tears at the stability of Europe and could easily spread**. The flow of **illegal drugs intensifies** through increasingly powerful international **crime syndicates** **that** have **made common cause with authoritarian regimes and have** utterly **corrupted** the **institutions** of tenuous, democratic ones. **Nuclear, chemical, and biological weapons continue to proliferate**. The very source of **life on Earth, the global ecosystem, appears increasingly endangered**. Most of these new and unconventional **threats** to security **are** **associated** with or aggravated **by the** weakness or **absence of democracy**, with its provisions for legality, accountability, popular sovereignty, and openness. The experience of this century offers important lessons. **Countries that govern themselves** **in a** truly **democratic fashion do not go to war** with one another. **They do not aggress** against their neighbors to aggrandize themselves or glorify their leaders. **Democratic governments do not ethnically "cleanse**" their own populations, and they are much less likely to face ethnic insurgency. **Democracies do not sponsor terrorism** against one another. **They do not build weapons** **of mass destruction** to use on or to threaten one another. Democratic countries form more reliable, open, and enduring trading partnerships. In the long run they offer better and more stable climates for investment. They are more environmentally responsible because they must answer to their own citizens, who organize to protest the destruction of their environments. They are better bets to honor international treaties since they value legal obligations and because their openness makes it much more difficult to breach agreements in secret. Precisely because, within their own borders, they respect competition, civil liberties, property rights, and the rule of law, **democracies are the only reliable foundation on which a new world order of international security and prosperity can be built.**

AT: Colombian Oil Scenario – Impact Turn – Human Rights

Plan fuels massive human rights abuses and grand systemic violence.

Kovalik 1/27 (Daniel, graduate of Columbia U School of Law, [http://www.counterpunch.org/kovalik01272010.html] AD: 7/3/10)JM

This announcement also angered human and labor rights advocates in both the U.S. and Colombia as the U.S. was now solidifying a cozier military alliance with by far the worst labor and human rights abuser in the Western Hemisphere. The human rights nightmare in Colombia, fueled by billions of dollars of U.S. military assistance, includes the forced internal displacement of nearly 4 million civilians – the second largest internally displaced population in the world (Sudan holding the number one position); the extraordinary killing of over 2700 union members since 1986 (by far the greatest number in the world), with 35 being killed in 2009 alone; and the extrajudicial killing of around 2,000 civilians by the Colombian military since President Uribe took office in 2002.

AT: Spec. Ops. Adv. – NUQ – Brain Drain Inevitable

Brain drain is inevitable – it’s a historical cycle.

Moniz 98 (Dave, writer for the Christian Science Monitor, August 25, *Christian Science Monitor*, 90(190))JM

Not everyone is so alarmed about the exodus, though. Department of Defense (DOD) officials downplay declining retention in the Air Force and Navy, saying the current woes are part of historic cycles. Lt. Col. Tom Begines, a DOD spokesman, says "these kinds of problems are not new" and that the services are acting to stem the exodus. Larry Korb, a defense analyst at the Brookings Institution in Washington, agrees. Mr. Korb says that even if the US loses some of its combat capability, it's not important. "Who has a better military than we do? It's not that serious," he says.

Politics – Plan Unpopular – Obama

Obama won’t let plan pass- he wants contractors for the war

Lendman 10 (Stever, MA @ Harvard, *Steve Lendman Blog*, jan 19-10) ET

Given Obama's permanent war agenda and how entrenched PMCs have become, expect little constructive change, save for tinkering around the edges and regular rhetorical promises, followed by new fronts in the war on terror and even greater numbers civilians and soldiers for them. Then add hundreds more billions diverted from vital homeland needs to enrich thousands of war profiteers, addicted to sure-fire blood money, and expecting plenty more ahead. They'll get it unless enough public outrage demands an end to this madness before it's too late to matter.

Politics – Plan Unpopular – Partisanship

And, PMC’s are disputed- causes rifts in congress

Brownfeld 4 (Peter, a writer and editor at the American Enterprise Institute, *Fox News*, Apr 18-4, http://www.foxnews.com/story/0,2933,117235,00.html ) ET

She also raised questions of accountability. "The track record of some of these contractors has not been very good," Elshami said, noting the allegations that Dyncorps employees were involved with rape, drugs and prostitution rings in Bosnia. Dyncorps also has a security presence in Iraq. Despite the Democratic critiques, industry experts and Pentagon officials insist that these employees are professional as well as vital to the mission in Iraq. "I think the companies largely have been extremely competent and extremely professional," said Doug Brooks, president of International Peace Operations Association (search). The outsourcing of roles from the military to the private sector is a longstanding military priority dating to the early 1990s, and hiring contractors has an even longer history, dating back to the Civil War, said Maj. Gary Tallman, an Army spokesman. "Contractors are a primary way that we have used and are using now to perform functions that will help us maintain combat power," Tallman said. Contracting is indispensable now that America has an Army that is smaller than it has been since 1950, he said.

And, democrats and republicans disagree on PMCs- politically divisive

Brownfeld 4 (Peter, a writer and editor at the American Enterprise Institute, *Fox News*, Apr 18-4, http://www.foxnews.com/story/0,2933,117235,00.html ) ET

 Tallman said the military arranges directly for personal security detachments for Bremer and others, and also requires its primary contractors to hire their own security subcontractors. "That's fine. That's done all the time," Tallman said. Under the Logistics Civil Augmentation Program (search), the military hires non-military personnel to cook, clean, put up tents, deliver the mail and other duties, said Jan Finegan, a spokeswoman for Army Materiel Command. Kellogg, Brown & Root (search) has been awarded the contract for this program. KBR then hires subcontractors including private military companies whose sole function is to protect other KBR staffers. America's military has shrunk by one-third since the end of the Cold War, but America has maintained significant international commitments resulting in a great demand for private contractors. Hiring contractors "is a way for us to have fewer troops, not [in Iraq], but in the Army, period. Since we don't have those troops to do that, we have to have contractors come in wherever we are," Finegan said. Although Democratic lawmakers raised questions about the costs associated with the contractors, Finegan said it is cheaper to use contractors because they are not on the payroll when the military does not need them.

Iraq Theater DA – Uniqueness

Iraq is on the brink of stabilizing – US commitment is key to a successful democracy but pullout of influence will cause collapse.

Allawi 10 (Ayad Thursday, June 10, leader of the Iraqiya List, “How Iraq can fortify its fragile democracy”, http://www.washingtonpost.com/wp-dyn/content/article/2010/06/09/AR2010060903807.html?hpid=opinionsbox1)KM

Washington still has unrivaled leverage in Iraq, as well as a moral responsibility to the Iraqi people whom it freed from tyranny to do all it can to deliver sustainable peace and stability. Vice President Biden recently said that the United States was "going to be able to keep our commitment" to reduce troop levels in Iraq to 50,000 by this summer. While I have long supported the withdrawal of U.S. troops, Iraq cannot be allowed to revert to an unstable state of sectarian strife, dominated by regional influences. Such an outcome would insult the tens of thousands of Iraqi civilians whose lives were stolen in terrorist attacks and the thousands of U.S. soldiers who sacrificed their lives; it would also put at risk every U.S. and international policy priority in the region -- the planned troop withdrawals, nuclear containment, a stable energy supply, even the chances of success in the Israeli-Palestinian issue. Iraq has an unprecedented opportunity to create a successful and democratic force for moderation in the heart of the Middle East. We must reward the faith of ordinary Iraqis who turned out in droves because they believed that change is brought about by votes, not violence. The seeds of democracy have been planted; they need to be nurtured. Only by working together and with international support can Iraqis lay the foundation for what we all believe should be a stable, prosperous and democratic nation.

Democratic elections prove – Iraq is beginning to stabilize now.

Graham 10 (Ian, the Defense Media Activity, “Election, transition proves Iraqi stability” Jun 14, http://www.army.mil/-news/2010/06/14/40757-election-transition-proves-iraqi-stability/)KM

On June 1, two important milestones occurred in Iraq, providing symbolic and substantive examples of the country and its security force's growth, Lanza said. First, the United States formally transitioned the last nine checkpoints it jointly staffed in the International Zone -- or Green Zone -- to Iraqi forces. Second, the Iraqi Supreme Court announced the certification of the March 7 election results, a critical step in the process of peacefully forming the new government. The overall improved security situation today and the ever-increasing capabilities of the Iraqi forces are directly responsible for these two accomplishments, Lanza said. "I think this is indicative ... of the greater stability within Iraq," he said. "It's also indicative of the fact that this is allowing us to transition from combat operations to stability operations, on 1 September, as part of our responsible drawdown. I would highlight the fact that as a result of this improved security, Iraq has been able to develop strategic depth and has also moved really far both economically and diplomatically." The election is a critical step, Lanza said, because it's the first time Iraqis have had a truly open, democratic election, with 62 percent of citizens voting. "They were actually able to choose the candidates that they wanted to, which is something that has never been done here before," the general said. "The four political parties ran on an agenda of national unity, and the two top issues for the people who voted were jobs and essential services, with security being No. 4."

Iraq Theater DA – Uniqueness – A2: Withdrawal Inevitable

Withdrawal is only for conventional forces – they’d be filled in with PMC’s.

Scahill 8 (Jeremy The Nation March 6, , “Obama Will Not ‘Rule Out’ Private Security Contractors in Iraq”, http://www.infowars.com/obama-will-not-rule-out-private-security-contractors-in-iraq/)KM

A senior foreign policy adviser to leading Democratic presidential candidate Barack Obama has told The Nation that if elected Obama will not “rule out” using private security companies like Blackwater Worldwide in Iraq. The adviser also said that Obama does not plan to sign on to legislation that seeks to ban the use of these forces in US war zones by January 2009, when a new President will be sworn in. Obama’s campaign says that instead he will focus on bringing accountability to these forces while increasing funding for the State Department’s Bureau of Diplomatic Security, the agency that employs Blackwater and other private security contractors. (Hillary Clinton’s staff did not respond to repeated requests for an interview or a statement on this issue.) Obama’s broader Iraq withdrawal plan provides for some US troops to remain in Iraq — how many his advisers won’t say. But it’s clear that Obama’s “follow-on force” will include a robust security force to protect US personnel in Iraq, US trainers (who would also require security) for Iraqi forces and military units to “strike at Al Qaeda” — all very broad swaths of the occupation.

Obama’s withdrawal plans don’t remove PMC’s, they will stay.

Bennis 9 (February 27, Foreign Policy In Focus, “Iraq Troop Withdrawal or Occupation-Lite?”, Phyllis, http://www.commondreams.org/view/2009/02/27-14)KM

President Barack Obama said directly that he would be announcing "a way forward in Iraq that leaves Iraq to its people and responsibly ends this war." As far as it goes, that sounds good. This is an indication that President Obama is largely keeping to his campaign promises, and that's a hopeful sign, reflecting the power of the anti-war consensus in this country. If this plan were actually a first step towards the unequivocal goal of a complete end to the U.S. occupation of Iraq, it would be better than good, it would be fabulous. But that would mean this withdrawal would be the first step towards a complete withdrawal of all U.S. troops, pulling out of all the 150,000+ U.S.-paid foreign mercenaries and contractors, closing all the U.S. military bases, and ending all U.S. efforts to control Iraqi oil. So far that is not on Obama's agenda. The troop withdrawal as planned would leave behind as many as 50,000 U.S. troops. That's an awful lot. Even Speaker of the House Nancy Pelosi thinks that may be too much. She told Rachel Maddow, "I don't know what the justification is for 50,000, at the present...I would think a third of that, maybe 20,000, a little more than a third, 15,000 or 20,000."

PMC’s are staying in Iraq to maintain stability and defense while troops pull out.

Byrne 9 (“US actually increasing personnel in Iraq: More contractors, fewer troops”, John , September 9th, , http://rawstory.com/blog/2009/09/us-replacing-iraq-troops-with-private-contractors/)KM

US forces are not withdrawing from Iraq. Well, its soldiers are. But not civilian contractors. Despite President Barack Obama's pledge to withdraw US troops from the war-torn country, the US is planning to award contracts to protect US installations at a cost to taxpayers that could near $1 billion. In fact, the Multi-National Force-Iraq just awarded $485 million in contracts just last week, while Congress enjoyed its summer recess. Five firms will handle private security deals to provide security for US bases. It's a neat rhetorical loophole that will allow US officials to say that the country has withdrawn from Iraq, while its contractors remain.

PMC’s will remain present even after troop reductions this summer – they will take on duties of the military.

Dayen 10 (“On Leaving Iraq” David May 14, http://news.firedoglake.com/2010/05/14/on-leaving-iraq/)KM

Just because there will be something called a “withdrawal” of combat troops by the end of the summer doesn’t mean we won’t have a substantial presence in Iraq come September, mind you. As Juan Cole points out, the 50,000 “non-combat” troops remaining will be combat troops re-branded as trainers. There will also be 4,500 special operations forces embedded with Iraqi counter-terrorism forces. And, from the article above: U.S. officials said they hope to keep about 50,000 troops in Iraq until at least next spring and perhaps longer, saying they could conceivably compress the rest of the drawdown to the final four or five months of 2011. When troop levels drop to 50,000, the civilian contractor-to-soldier ratio is expected to increase as contractors take on more duties now performed by troops. The military expects it will have 75,000 contractors employed in Iraq by the end of the summer doing everything from base security to advanced weapons training.

Iraq Theater DA – Link

PMC’s are key to Iraq success – their indicts are biased press.

Kwok 6 (“Armed entrepreneurs: private military companies in Iraq” Harvard International Review, Spring, James, http://findarticles.com/p/articles/mi\_hb137/is\_1\_28/ai\_n29261996/)KM

However, the typical PMC employee is not a direct descendant of the mercenary of the past. PMC employees do not work for multiple employers at once and are not officially assigned to direct combat situations. While a Hessian of the US Revolutionary War was solely a foot soldier, a modern PMC employee is capable of police training, personal protection, and support for weapons systems like bombers and helicopters. For example, many of the PMC employees in Iraq previously served in national militaries, often in special forces such as the Navy SEALs. This new breed of military contracting has played a major role in shaping security in Iraq, offering logistical support and supply transportation to coalition forces as well as retraining programs for the Iraqi army. However, PMCs have consistently received negative press. Their allegedly close involvement in the Abu Ghraib torture scandal has increased suspicion, especially from the US military, of the reliability of contractors. Other critics blame the soaring costs of the Iraq War on the US government's contracting of PMCs. But, on the contrary, PMCs are critical--their security and logistical support services are needed now more than ever. However, past PMC profligacy in trouble spots such as Angola and Sierra Leone has shown the necessity for the Iraqi and US governments to impose new regulations on PMC behavior to ensure that they remain a positive and productive force in Iraq.

PMC’s are key to solving –overstretch forces the military into alternative sources of people.

Kwok 6 (“Armed entrepreneurs: private military companies in Iraq” Harvard International Review, Spring, James, http://findarticles.com/p/articles/mi\_hb137/is\_1\_28/ai\_n29261996/)KM

The PMC presence in Iraq provides an effective stopgap measure for the problem of overstretched conventional military forces. The issue of the necessary level of troop numbers in Iraq has been an ongoing debate since the start of the occupation. In a 2003 press conference, US General John Abizaid of Central Command explained to reporters that "the number of troops--boots per square inch--is not the issue." However, other military personnel--particularly ex-military officials--have repeatedly recommended that the United States increase its troop numbers in Iraq. The shortage of troops is a confluence of several different factors. While America's War on Terror has directed substantial military manpower to Iraq and Afghanistan, the US military also has to fulfill peacekeeping duties in the Balkans and play a supporting role for the South Koreans along the demilitarized zone. Charles Pena, Director of Defense Policy at the Cato Institute, said in an interview with Voice of America that having fewer resources and less manpower devoted to Iraq has caused military forces to be rotated and redeployed, straining the troops. He adds that "there are many troubling and worrisome signs that [American defense policy] may be doing real damage to the United States Army," such as discouraging potential recruits who are wary of a lengthy tour of duty. Numbers prove the same point: for the fiscal year leading up to May 2005, the Army fell short of its recruitment goals by about 25 percent. While the size of the US Army contingent currently operating in Iraq is large, roughly 130,000 to 150,000 troops, the Army has recently been beset by difficulties, particularly in policing cities and providing rapid reaction to rebel attacks. The strain has thus caused a dearth of force strength and underscored the need for more manpower and alternative resources.

Iraq Theater DA – Link

PMC’s are key – they provide unique skill sets like translators and tech operators that are key to winning the war.

Kwok 6 (“Armed entrepreneurs: private military companies in Iraq” Harvard International Review, Spring, James, http://findarticles.com/p/articles/mi\_hb137/is\_1\_28/ai\_n29261996/)KM

Private military companies such as Blackwater Inc. and DynCorp provide the logistical support and retraining programs necessary to alleviate the strain on US and Coalition military forces in combat matters and law enforcement. For example, Meteoric Tactical Solutions, a South African PMC, won multiple contracts from the Coalition to train a private Iraqi security group to guard buildings that had previously been guarded by US soldiers in early 2004. This allowed the US military to allocate soldiers to more active and possibly combat-heavy duties. PMC contractors are also employed as technical experts to support US B-2 bombers and combat helicopters, which require teams of qualified operators on the ground and in the air. Translation and supply transport are two other key services that PMCs provide to coalition forces, which rely on long supply lines branching out of Iraq and sometimes even the Middle East. Many PMCs bring considerable professional military experience to the task of security. For example, Blackwater Inc. was founded by a former Navy SEAL. DynCorp was founded in 1946 by a group of US combat veterans seeking to profit from the military contracts they had gained during the Second World War. The experience of these personnel makes prices for their services much higher than for a regular soldier; some PMC contractors command prices of nearly US$1,000 a day. However, their specialized skills are needed to compensate for the manpower that a strained military cannot provide for foreign nationals in Iraq.

PMC’s provide security for reconstruction efforts that the military doesn’t provide for, this is the biggest internal to Iraq success.

Kwok 6 (“Armed entrepreneurs: private military companies in Iraq” Harvard International Review, Spring, James, http://findarticles.com/p/articles/mi\_hb137/is\_1\_28/ai\_n29261996/)KM

Finally, and perhaps most importantly, PMCs are crucial because the US military limits the protection it offers to the many contractors and officials currently working on the reconstruction of Iraq. The US military is not obligated to provide security to US government civilian agencies and contractors associated with the reconstruction of Iraq, although it does provide security to US government employees and contractors that directly support or follow combat troops. In the absence of military security, PMC services have also become essential to many government agencies and reconstruction corporations.

PMC’s key – the war in Iraq couldn’t have even started without PMC usage.

KURLANTZICK 3 (JOSHUA April 30, , “Outsourcing the Dirty Work” http://www.prospect.org/cs/articles?article=outsourcing\_the\_dirty\_work)KM

The war in Iraq could not have taken place without a network of for-profit contractors upon which the U.S. military has come to depend. Some 20,000 employees of private military companies (PMCs) and of more traditional military contractors accompanied the U.S. forces in the buildup to war in the Middle East. They maintained computers and communications systems in Kuwait, Qatar and other locations, handled many aspects of logistics as the military's supply lines moved through Iraq and helped the Pentagon identify key targets in Iraq. As hostilities began, many of these PMC employees were integral to the American effort, keeping communications secure, assisting with the reopening of Iraq's southern oil fields and performing many other crucial tasks, often right behind the front lines.

Iraq Theater DA – Impact – Iraqi Instability

Failure in Iraq causes global catastrophe – spills over to the rest of the middle east

Ben-atar 6 (Doron– July 11, “Immediate withdrawal: power vacuums in gaza and Iraq” http://www.theglobalist.com/StoryId.aspx?StoryId=5488 TBC 6/26/10)

The governments of both Iraq and the Palestinian authority are weak, ineffective and corrupt. Iraq, like the Gaza strip, is caught in a turf war between armed militias. Islamist militants in both places have created a culture that glorifies ethnic-based murder. And while the focus of the insurgency in Iraq at the moment is on the outside enemy, just as the focus of the militants in Gaza was on fighting the Israeli army, the conflict between ethnicities, regions and interests in Iraq is flaring into a brutal civil war. Americans should not fantasize, as Israelis did a year ago, that once the hated enemy is gone, the crazy quilt of militias could find a peaceful way to negotiate their differences. A state of chaos If the departure of the U.S. troops is followed by Gaza-like chaos, Iraq would become a failed state in the most strategic location on earth. Unlike the Vietnam scenario, the turmoil would not remain confined to the international boundaries of Iraq. Just as Hamas terror spread to Egypt, Iraqi terrorism would destabilize societies all over the region. The misery in Gaza is purely a local humanitarian issue. A global threat But the prosperity of the entire world is threatened by anarchy in Mesopotamia. And once American troops depart, no politician would dare to send American soldiers back into the quagmire. Republicans and Democrats should eschew the popular impulse to bring our boys home. The strategic blunder of invading Iraq could turn into a global catastrophe if a fully functioning state with an effective army and absolute monopoly over the exercise of power is not secured before the departure of U.S. troops.

Iraq instability causes World War 3

Corsi 7 (Jerome R. senior staff reporter for WND Ph.D. from Harvard University in political science http://www.wnd.com/news/article.asp?ARTICLE\_ID=53669 TBC 6/26/10)

If a broader war breaks out in Iraq, Olmert will certainly face pressure to send the Israel military into the Gaza after Hamas and into Lebanon after Hezbollah. If that happens, it will only be a matter of time before Israel and the U.S. have no choice but to invade Syria. The Iraq war could quickly spin into a regional war, with Israel waiting on the sidelines ready to launch an air and missile strike on Iran that could include tactical nuclear weapons. With Russia ready to deliver the $1 billion TOR M-1 surface-to-air missile defense system to Iran, military leaders are unwilling to wait too long to attack Iran. Now that Russia and China have invited Iran to join their Shanghai Cooperation Pact, will Russia and China sit by idly should the U.S. look like we are winning a wider regional war in the Middle East? If we get more deeply involved in Iraq, China may have their moment to go after Taiwan once and for all. A broader regional war could easily lead into a third world war, much as World Wars I and II began.

Iraq Theater DA – Impact – Iraqi Instability

Iraq instability is the scariest scenario imaginable – sparks massive nuclearization, instability, wars, and collapses heg

Mauro 7 (Ryan Jan 25 Director of Intelligence at IWIC http://97.74.65.51/readArticle.aspx?ARTID=496 TBC 6/26/10)

Good news from Iraq is scarce. Over 3,000 Americans have been killed. Iraqi casualties, depending on which number you believe, are either in the tens of thousands or hundreds of thousands. Progress has been stalled, mistakes have been made, and the purpose of the mission seems unclear. Precipitous withdrawal from Iraq has never seemed more tempting. But to yield to this temptation would be a grave mistake. Leaving Iraq now will not restore order to the country. On the contrary, a premature withdrawal is likely to result in consequences disastrous not only for Iraq and the wider region, but also for the cause of combating Islamic radicalism and the health of the U.S. military. The success of democracy in Iraq threatens nearby tyrannies and empowers those fighting within them. On the other hand, withdrawal would lead to a collapse of the elected Iraqi government, and all the work done to bring democracy to Iraq would be in vain. In southern Iraq, the “Islamization” process would accelerate and sharia law would most likely be implemented, stripping away individual rights, particularly for women. As Iran would grow more powerful, the chances of a radical Shiite state being created in Iraq would also increase. Such a state would oppress its own citizens and pose a regional threat. Sectarian violence would spiral out of control, killing millions of Iraqis, both Sunni and Shiites. Many Iraqis would be forced to flee their homes as radical militias would seek to create homogenous regions. Shiite terrorist groups like Hezbollah would likely find safe haven and support. Abandoning Iraq, therefore, means watching from the sidelines while Iraqis are slaughtered and neighboring states -- including Iran -- divide the spoils. If such a scenario were to take place, Iran -- the main sponsor of terrorism and a home to numerous al-Qaeda leaders -- would grow in power and become the leader of the region. It would become easier for Iran’s government, which denies the Holocaust and has repeatedly called for the destruction of Israel and the United States, to obtain nuclear weapons. The West would also find its options to affect Iran’s behavior increasingly limited. In response to the growth of Iran’s power, countries in the region like Egypt, Algeria, Saudi Arabia, Turkey, Gulf states would seek nuclear weapons (in fact, many of these states already indicate that they plan to develop nukes). Already, Iran’s leadership has expressed willingness to share its nuclear technology with other rogue states like Syria and Venezuela. This nuclear arms race could reach another key battleground in the war against radical Islam: Africa. A nuclear arms race triggered by American withdrawal may force Libya, fearing its nuclear neighbors more than American repercussions, to re-start its nuclear program. Insurgency in North Africa would likely expand, as Iran may increase support to organizations like the GIA in Algeria, furthering the civil war there. The United States would not have the will to stop the genocide in Sudan. The Sudanese government, an ally of Iran (and previously of Saddam Hussein), may find hope in America’s withdrawal and increase their brutal activities in Darfur. In Latin America, Venezuela’s nuclear cooperation with Iran would continue. The weakness of the United States would further encourage the formation of an anti-American bloc in South America, led by Cuba and Venezuela, that would ally itself with Iran, China and Russia. Asia may appear far removed from the military theater, but even there the consequences of premature withdrawal may make themselves felt. The perception of American weakness could lead to a struggle for supremacy among rival Asian powers. With China ascendant, Japan would have no option but to develop nuclear weapons. Two scenarios could then arise: China would dominate the Pacific and America’s status as a superpower would quickly recede; or there would be a region-wide nuclear stalemate involving Burma, China, India, Pakistan, North Korea, South Korea, Japan, and possibly Taiwan and Australia. But most of all, withdrawal from Iraq may prove very damaging to the U.S. military, as it would likely lead to the collapse of morale among the troops. Senator John McCain, a former P.O.W. in Vietnam, said it best recently when he noted that “the only thing worse than a stressed military, is a broken and defeated military.” On the policy front, it would probably translate into a reluctance by the public to support a responsible military budget. The disastrous security situation in Iraq will lead to a terrorist sanctuary that the United States will in due course have to confront. Our uniformed men and women who came home the first time will have to enter again under much harsher and costlier conditions.

Iraq Theater DA – Impact – Turns Case

DA turns case – instability forces further deployment of PMC’s and increased demand.

Scharnberg 5 (*Chicago Tribune* February 22, “Private, Vulnerable "Armies" Deploy for Modern-Day Wars” Kirsten lexis)KM

Whatever the disparate individual reasons that propel civilians to Iraq, the contracting jobs there are plentiful, and the explanation for that phenomenon is a multi-layered hodgepodge of military history, modern politics and long-building trends of globalization, privatization and international instability. Iraq's battlefield actually was shaped most pivotally by one event of the previous century. After the end of the Cold War, militaries around the world began to downsize. But at the same time, the world began to change -- and destabilize in some places. Whole regions of the world were becoming so volatile that their governments were looking to hire professionals to protect them from violent separatists. Globalization was bringing Western companies into these same unsettled parts of the world, and they, too, needed security consultants and protection. And Islamic fundamentalism and terrorism were increasing to the degree that some peacekeepers and humanitarian aid groups soon found themselves in need of private guards. What developed to fill all these needs is what Singer has dubbed "privatized military firms." "PMFs are business providers of professional services intricately linked to warfare--in other words, the corporate evolution of the age-old practice of mercenaries," Singer, who is considered the nation's foremost expert on the topic, writes in an upcoming issue of Foreign Affairs magazine. The war in Iraq took the use of civilian contractors to a new level, one never seen before in the history of warfare, according to military experts. In 2002, as it became clear the country was headed toward war, a number of factors all but guaranteed that an unprecedented number of civilian workers would be required to pull it off, Singer said.

Increased instability creates higher demand for PMC’s, the DA turns the aff.

Morgan 3 (The Observer October 26, “Soldiers of fortune hit the jackpot: Ex servicemen dont hang up their guns. They command huge salaries in the post 9/11 security market, writes Oliver Morgan” Oliver Observer Business Pages, Pg. 12 lexis)KM

IF YOU are one of the 24,000 servicemen and women who will leave the UK armed forces this year, your timing could not be better. With violence continuing in Iraq, instability in the wider Middle East and plenty of 'unfinished' peacekeeping business beyond, demand for your skills from so-called private military and security companies (PMCs) has scarcely been higher. If you are thinking of leaving, a company you may be hearing from on the post-military career circuit is Olive Group, one of a number of recent British arrivals in what is an increasingly crowded and competitive market place. Olive chief executive William Egerton, a former Foreign Office man, says there are plenty of reasons why ex soldiers should want to work privately. 'Most good quality ex-service personnel like nothing better than to get back out there and do what they do best.' People like Egerton are having to pay. Iraq is sucking up what excess labour there is. Estimates are that up to 3,000 private military personnel are there. With a limited labour pool, this is having quite an impact on prices in the labour market. Egerton says: 'This business depends on the quality of the people we use. The fact that they earn more now is to do with simple economics. We have to pay, because there is a market out there.' Olive, like other small PMCs such as Rubicon International, define themselves by 'quality', stating on their websites that they use ex-special forces personnel and training methods to provide core services: managing security for multinationals or government personnel, armed and unarmed close protection, and guarding installations such as refineries and power stations. Egerton, along with John Davidson, managing director of Rubicon, and other industry players, confirm that an ex-SAS officer can now earn about pounds 400 a day in Iraq, with others - paratroopers, and regular regiments - not far behind. While costs are rising, so are revenues. Olive, which saw turnover of only pounds 1.2m last year, has seen that figure increase 'by multiples of 100 per cent this year.' Rubicon's Davidson says: 'It has been a very good year for the security industry. Our turnover is 30 to 40 per cent up.' Moreover, this year's performance comes on top of two good years previously. Davidson says: 'We have a lot of business in the Middle East, from Saudi Arabia to Dubai. Western companies have been well established there. Since 9/11 there has been a steady increase in the amount of work we have been required to do.' Christopher Beese, chief administrative officer at ArmorGroup, a US-owned PMC, says: 'There is an increasing clamour for business. More doors are opening without others closing. So you still have the Balkans, Croatia, Bosnia, Kosovo, then Afghanistan, East Timor and now Iraq.' Beese says governments and the United Nations don't have the resources to do everything, and so contract out what they can. With Iraq, the private companies are stretched to capacity.

Afghanistan Theater DA – Uniqueness – Afghanistan

Troop increases are causing Afghanistan to stabilize.

Pessin 10 (“'Negative Narrative' or Real Problems in Afghanistan?”, 21 June, Al Pentagon http://www1.voanews.com/english/news/asia/Negative-Narrative-or-Real-Problems-in-Afghanistan--96837899.html)KM

The Pentagon says reports of violence, corruption, poor quality local security forces and slower progress than expected in southern Afghanistan are creating an excessively negative impression of the country as a whole. Officials say much of the country is relatively stable or making slow progress toward stability. At a Senate hearing last week, U.S. Defense Secretary Robert Gates expressed concern about what he sees as an inaccurate portrayal of what is happening in Afghanistan. "I think frankly that the narrative over the last week or so, possibly because of the higher casualties and other factors has been too negative," he said. "I think that we are regaining the initiative. I think that we are making headway." Gates later told an interviewer on Fox News the storyline coming from Afghanistan is "incomplete," and is part of what he called "a rush to judgment" before all the additional forces have arrived and the new strategy is fully in place. He appealed for time to allow the strategy to work, and he said he expects clear evidence of that by the end of the year.

Afghanistan is stabilizing now – the Peace Jirga proves.

UNAMA 10 (“Key Political Aims on Track in Afghanistan, Despite Recent Spike in Attacks, Top UN Envoy Tells Security Council, Issuing Call for Resilience in Coming Months”, 01 Jul, United Nations Assistance Mission in Afghanistan, http://www.reliefweb.int/rw/rwb.nsf/db900SID/MDCS-86XCAQ?OpenDocument)KM

Briefing the Security Council on the situation in Afghanistan today, the top United Nations envoy in that country stressed the importance of maintaining resilience in the year ahead, with events in the first half of 2010 — the consultative Peace Jirga, a follow-up conference in Kabul and progress on elections — providing reassurance that, despite the increased attacks by insurgents on civilians, major political aims were broadly on track. Calling 2010 "a crucial year in and for Afghanistan", Staffan de Mistura, Special Representative of the Secretary-General to the United Nations Assistance Mission in Afghanistan (UNAMA), said that, in the wake of the Afghan-led consultative Peace Jirga in early June, there seemed to be an overall positive feeling among Afghans about the aim of "expanding the tent" and supporting an inclusive peace process. According to Mr. de Mistura, many foreign ministers, as well as the United Nations Secretary-General were expected to attend the follow-up to the Jirga — a conference planned for 20 July in Kabul. If the main objective of the Jirga had been to foster the Afghan people's confidence in their Government, then the Kabul conference, to be chaired jointly by the United Nations and the Afghan Government, would be a place to seek a realignment of donor support with those national priorities, he said. Afghanistan's representative, who also addressed the Council today, said the Peace Jirga had recommended several steps towards an inclusive peace process, which the Government had already started to implement. As part of that effort, it had begun to review detention records, with a view to releasing Taliban being held without adequate evidence, and it had requested that the Council extend the review process of the Consolidated List of individuals and entities associated with Al-Qaida and the Taliban, as it prepared to submit a preliminary de-listing request. "We will begin negotiations with any disenchanted Afghans who are ready to distance themselves from Al-Qaida and to participate in a peaceful and stable Afghanistan," he said.

Afghanistan Theater DA – Uniqueness – PMC’s

PMC’s are increasing in the status quo in Afghanistan.

Elliott 10 (“Number Of Private Security Contractors In Afghanistan Doubles In Just Four Months” Justin January 21, http://tpmmuckraker.talkingpointsmemo.com/2010/01/number\_of\_private\_security\_contractors\_in\_afghanis.php)KM

The military is increasingly relying on private security contractors as President Obama ramps up the war in Afghanistan, with contractors now making up as much as 30% of the armed force in the country, a just-released congressional report shows. In the period roughly tracking with President Obama's first nine months in office, the number of Defense Department armed security contractors soared 236% -- from 3,184 to 10,712 between December 2008 to September 2009. The number roughly doubled between June and September 2009 alone. The new Congressional Research Service report also calculates that contractors in Afghanistan make up between 22% and 30% of the armed U.S. force in Afghanistan.

Afghanistan Theater DA – Link

PMC’s are key to Afghanistan – they understand local conditions better than the soldiers do.

Isenberg 10 (David, Author, Shadow Force: Private Security Contractors in Iraq, March 11, “Private Military Contractors as Buzz Lightyear: To Afghanistan and Beyond”, http://www.huffingtonpost.com/david-isenberg/private-military-contract\_b\_494834.html)KM

An underappreciated aspect of PMC working in Afghanistan is that due to their manpower, representation at the headquarters of inter-allied organizations, and their international connections, the PMCs are in a position to influence military decisions on operational matters. Employees of MPRI can be found throughout the hierarchy of International Security Assistance Force ((ISAF) and the Afghan security forces. They serve as mentors to armed forces general staff and to governments, help to draft doctrine for the Afghan National Army (ANA) as part of the Combined Training Advisory Group (CTAG), train officers at the Kabul Military Training Centre (KMTC) and provide instruction to specialists. Marie-Dominique Charlier was political adviser to the commander of International Security Assistance Force (ISAF) in Afghanistan from February to August 2008. Last month she wrote in Le Monde diplomatique: That with in-depth knowledge of the Afghan theatre from tours of duty lasting two to four years, PMC personnel have unrivalled experience of local conditions. Their experience is a vital asset to the inter-allied staff officers whose tours of duty are rarely longer than six months. It allows them to co-ordinate, regulate and even promote the involvement of other PMCs and to steer the perceptions of the military in direction that suits them.

PMC’s are key to stability in Iraq and Afghanistan – they provide reconstruction efforts that win hearts and minds.

Teachers Without Borders 8 (“The Modern Mercenary” http://courses.teacherswithoutborders.org/peace-studies/efficacy-of-private-military-contractors-in-peace/the-modern-mercenary)KM

The heart and soul of the contracting business is to provide capabilities to one’s client. In the context of an operation to establish positive peace within a turbulent state, companies have two such capabilities that could be provided: Services and Security. These are the same two functions that are being used in Iraq and Afghanistan today; however, how they are utilized in operations for creating peace differs from when they are supporting a military operation. Whereas most of the companies currently operating in Iraq are there in support of the US military, in a peace operation the focus would be on supporting the people of the country. That difference is quite important; it shifts the paradigm from being one of fighting the citizenry to one of cooperating with them. As demonstrated by the massive bases in Iraq that have been established by Halliburton subsidiary Kellogg, Brown and Root (KBR), there exists a capability to use private companies to conduct reconstruction on a massive scale. Food, housing, power, potable water, fuel, education, and recreational services can all be provided by a private contractor. Being able to deploy these services to a populace in need is far more important in establishing positive peace than supporting an army to forcefully impose order. The ability to establish a self-sustaining infrastructure by both construction and training local specialists is crucial to maintaining stability after the contractors leave. All that is required to harness this capability is a contract.

Afghanistan Theater DA – Impact – Asian Instability

Further Taliban power would enable them to destabilize central Asia- routes already exist.

Kalburov 9 (Ivan, Reuters, Nov 25) ET

Afghanistan’s Taliban may seek to establish a foothold in ex-Soviet Central Asia to recruit supporters and disrupt supplies for U.S. troops in Afghanistan, regional security officials said Tuesday. Former Soviet republics Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan act as transit nations for U.S. Afghan supplies and all but Kazakhstan have reported armed clashes with Islamists this year. In the past year, the Taliban insurgency has spread to parts of northern Afghanistan that had long been relatively peaceful, even as violence raged in the south and east of the country. ‘The deteriorating situation in northern Afghanistan enables the Taliban to spread their influence in that region, giving international terrorists more opportunities to infiltrate the territory of Central Asian states,’ Mikhail Melikhov, a senior official at the Common Security Treaty Organization (CSTO), told a conference in the Kyrgyz capital Bishkek. CSTO, dominated by Russia, is a defense bloc of ex-Soviet republics. Marat Imankulov, the head of the anti-terrorist center of the Commonwealth of Independent States (CIS), another post-Soviet bloc that focuses on economic and political ties, said security risks were compounded by the economic downturn. ‘Frankly speaking, the economic crisis in the CIS countries is turning into a social one,’ he told the conference. ‘We cannot avoid talking about the growing risks of extremist and terrorist activities.’ Imankulov said some security analysts expected the Taliban to try destabilizing Central Asian states ‘to disrupt equipment and food supply channels for coalition forces.’ Kyrgyzstan and Tajikistan said this year they had smashed Taliban-linked gangs in operations that involved armed clashes.

Afghan collapse would spill over to asia

Kalburov 9 (Ivan, Reuters, Nov 25) ET

Analysts forecast instability can spread from Afghanistan to other states in central Asia. The landlocked war-torn Afghanistan heavily depends on deliveries through its neighbors for all kinds of supplies. We already wrote about the difficulties in transporting goods in the country, but if the insurgents stretch beyond its borders, it will become even more difficult for logistics companies to supply Afghanistan with products and equipment. As the long-lasting post-Soviet crisis is being further fueled by the current economic one, social problems are starting to create fertile ground for radical religious movements such as the one in Afghanistan.

Asian Instability causes nuclear war

Ahriri 1 (ehsan, Professor of Nat’l Security/ Strategy @ Armed Force College @ VA, *Strategic Studies Institute* ) ET

South and Central Asia constitute a part of the world where a well-designed American strategy might help avoid crises or catastrophe. The U.S. military would provide only one component of such a strategy, and a secondary one at that, but has an important role to play through engagement activities and regional confidence-building. Insecurity has led the states of the region to seek weapons of mass destruction, missiles, and conventional arms. It has also led them toward policies which undercut the security of their neighbors. If such activities continue, the result could be increased terrorism, humanitarian disasters, continued low-level conflict and potentially even major regional war or a thermonuclear exchange. A shift away from this pattern could allow the states of the region to become solid economic and political partners for the United

Afghanistan Theater DA – Impact – Tzm

Failure in Afghanistan sends the largest possible signal of american defeat to al-qaeda and international jihadists at large – emboldening new waves of terrorism.

KORB 7 [11.6 Lawrence J., Senior Fellow at the Center for American Progress, & Caroline Wadham, National Security Senior Policy Analyst, November 6, 2007, “The Forgotten Front” Center for American Progress http://www.americanprogress.org/issues/2007/11/pdf/afghanistan\_report.pdf p. 5]

Al Qaeda Central is based in the borderlands of Afghanistan and Pakistan and threatens the United States, its allies, and its interests. From their sanctuary in Afghanistan in 2001, Osama bin Laden and Al Qaeda trained for and organized the attacks of September 11. During the U.S.-led invasion of Afghanistan, they were mostly driven from this base. But Al Qaeda has reconstituted itself, and the borderlands of Afghanistan and Pakistan now serve as a territorial hub for Al Qaeda Central, the core leadership of Al Qaeda.5 While Al Qaeda has become a more dispersed, decentralized enemy since 2001, it now uses its sanctuary in the tribal areas of Pakistan to plan and launch attacks against Afghan, NATO-International Security Assistance Force, and U.S. forces in Afghanistan.6 This haven provides Al Qaeda with the space to train, recruit, and rebuild in order to achieve its objective of attacking the United States, its allies and interests. The Afghan insurgency includes elements with purely local objectives—groups who hope to topple the Karzai government and establish control—but it also includes members that are directly linked to the international jihadist network of Al Qaeda. Al Qaeda supports the Taliban and other insurgents by providing training, technical skills, manpower, and financing. A failed mission in Afghanistan could allow the Taliban, Al Qaeda, and its affiliates to gain control of a significant amount of territory in Afghanistan, or even to seize control of the entire state apparatus and operate with impunity. Failure in Afghanistan would be a nearmortal strategic and psychological blow to U.S. efforts in the fight against international terrorist networks and a tremendous boost to the global jihadist movement. Defeat for the United States and the international community would allow Al Qaeda to claim that it has defeated two superpowers in Afghanistan— the United States and the former Soviet Union—and that history is on its side.

Terrorism causes extinction.

Sid-Ahmed 4 (Mohamed, political analyst for the 'Al-Ahram' newspaper, 26 August, [http://weekly.ahram.org.eg/2004/705/op5.htm] AD:6/23/10)JM

A nuclear attack by terrorists will be much more critical than Hiroshima and Nagazaki, even if -- and this is far from certain -- the weapons used are less harmful than those used then, Japan, at the time, with no knowledge of nuclear technology, had no choice but to capitulate. Today, the technology is a secret for nobody. So far, except for the two bombs dropped on Japan, nuclear weapons have been used only to threaten. Now we are at a stage where they can be detonated. This completely changes the rules of the game. We have reached a point where anticipatory measures can determine the course of events. Allegations of a terrorist connection can be used to justify anticipatory measures, including the invasion of a sovereign state like Iraq. As it turned out, these allegations, as well as the allegation that Saddam was harbouring WMD, proved to be unfounded. What would be the consequences of a nuclear attack by terrorists? Even if it fails, it would further exacerbate the negative features of the new and frightening world in which we are now living. Societies would close in on themselves, police measures would be stepped up at the expense of human rights, tensions between civilisations and religions would rise and ethnic conflicts would proliferate. It would also speed up the arms race and develop the awareness that a different type of world order is imperative if humankind is to survive.  But the still more critical scenario is if the attack succeeds. This could lead to a third world war, from which no one will emerge victorious. Unlike a conventional war which ends when one side triumphs over another, this war will be without winners and losers. When nuclear pollution infects the whole planet, we will all be losers.

Afghanistan Theater DA – Impact – Turns Case

Any escalation of conflict requires PMC’s, instability turns the case.

Isenberg 10 (“Private Military Contractors as Buzz Lightyear: To Afghanistan and Beyond” David, March 11, http://www.cato.org/pub\_display.php?pub\_id=11441)KM

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.

Increased instability creates higher demand for PMC deployment – turns case.

WHITELAW 9 (“Use Of Private Security Grows In Iraq, Afghanistan” KEVIN, October 1, http://www.npr.org/templates/story/story.php?storyId=113389274)KM

Either way, their numbers appear to be rising sharply. In Iraq, the U.S. military reported that its armed security contractor workforce jumped 19 percent between March and June 2009. Part of the increase is due to improved data collection, say Pentagon officials, who did not track the full number of contractors before 2007. "One of the problems with the data is they only started collecting the data about two years ago," says Moshe Schwartz, the Congressional Research Service analyst who wrote the report. "Because that data is still improving, it is difficult to get a perfectly clear picture as to the ebb and flow of the number of armed contractors in Iraq. It's also hard to get a clear picture as to the type of work they're doing." But the rise also represents a growing reliance on security contractors in both war zones. In Iraq, U.S. military officials are turning to private firms to fill new gaps that emerge as U.S. forces begin to draw down. The dynamic is different in Afghanistan, where worsening violence has sparked a higher demand for private security. Still, the Pentagon numbers represent only a portion of the overall number of armed civilians in either war zone. The State Department employed an additional 3,100 contractors in Iraq and more than 600 in Afghanistan as of February, according to Congressional Research Service data.

Consult NATO CP – Say Yes

The commander of the NATO forces in Afghanistan thinks that PMCs are a bad idea

Hardach 10 (Sophie, reporter for Reuters, http://in.reuters.com/article/idINIndia-47764020100416) GAT

Last month, the United States said it was looking into accusations of a rogue unit using contractors to help hunt militants in Afghanistan. It also pledged to review allegations of misconduct by the firm formerly known as Blackwater. Asked about the role of contractors after a speech at a military academy in Paris, McChrystal voiced criticism. "About contractors, the use of contractors -- I think we've gone too far," he said. "I think in some cases we thought it would save money, I think it doesn't save money. "I actually think that it would be better to reduce the number of contractors involved, increase the number of military if necessary." He said a greater number of Afghan contractors should be used to replace foreign ones. In March, the Pentagon announced a review of information operations in U.S. war efforts, following accusations that a U.S. Defense Department employee had channeled funds towards an unofficial spy operation with contractors from private security companies. The same month, the Pentagon said U.S. Defense Secretary Robert Gates would review allegations of misconduct in a subcontract to provide weapons training for the Afghan National Army awarded to Blackwater, which has changed its name to Xe. In January, two U.S. security guards working for Paravant LLC, a unit of Xe, were arrested in Afghanistan on charges they murdered two Afghans in Kabul and wounded a third.

Consult EU CP – Say Yes

**The EU has stressed the importance of keeping the private security industry regulated – they’ll say yes to the plan**

Born et. al (Hans, Marina Caparini, and Eden Cole, researchers for Geneva Centre for Democratic Control of Armed Forces, [http://www.coe.int/t/e/legal\_affairs/legal\_co-operation/steering\_committees/cdpc/Documents/pc-pm%20(2006)%2001%20-%20e%20(regulating%20private%20security%20companies).pdf)](http://www.coe.int/t/e/legal_affairs/legal_co-operation/steering_committees/cdpc/Documents/pc-pm%20%282006%29%2001%20-%20e%20%28regulating%20private%20security%20companies%29.pdf%29) GAT

Finally, it is interesting to note that private security companies were excluded from the recent EU Directive for services in internal market. CoESS argued that the specific nature of private security services, in particular its close links to the issue of public security, and the necessity of strict conditions for entering the market (for example the screening of private security employees) necessitates specific exceptions that could not be sufficiently taken into account in the general directive.27 CoESS has stressed however the necessity of achieving a common ground for the regulation of the private security industry. In particular, CoESS has highlighted the fact that an overview of EU member states demonstrated that ‘the level of effective security is positively correlated to the level of regulation.’28 This underlines the importance of achieving a harmonisation of the regulation on private security companies at the European level, and in particular the need for high standards at this level. The European dialogue that has been taking place in recent years is encouraging, as is for example the recognition by the European Council of the need for greater cooperation between the competent national authorities of Member States responsible for the private security sector.29 In terms of the EU external policy, the EU acknowledges that private security companies constitute a part of a state’s security system. Therefore, policies which target PSCs can be included in EU enlargement, integration and external assistance policies. Nevertheless, the EU’s most recent communication on security sector reform does not elaborate on how PSCs can be fruitfully targeted.30

The EU is pushing for harmonized regulation of PMCs from within – they’ll say yes to the counterplan

Krahmann 7 (Elke, prof. of Politics at Univ. of Bristol, http://archive.sgir.eu/uploads/Krahmann-krahmann\_turin\_paper\_pmc\_regulation.pdf) GAT

Finally, the EU is beginning to exert its influence over the regulation of private security services among the member states. Specifically, the European Court of Justice has established the competence of the EU Commission in several rulings according to which private security counts as an “economic sector” and as such falls under the first pillar of regulation of the internal market.42 However, the movement towards common European regulations on private policing has so far been rather slow. A Spanish initiative concerning the establishment of a network of contact points of national authorities responsible for private security was rejected by the European Parliament for formal reasons.43 Nevertheless, the committee of the European Parliament in charge of the issue was in favour of harmonizing member states’ regulations of the private security sector and the Council adopted on 13 June 2002 a 10 recommendation regarding cooperation between the competent national authorities of member states responsible for the private security sector.44 Further pressure for common European regulations is exerted by the Confederation of European Security Services (CoESS) and the trade union federation Uni-Europa which signed on 18 July 2003 a Code of Conduct for the private security sector. The sectoral social partners believe “that the rules governing their sector need to be harmonized across the EU.”45

RMA DA – Link

PMC’s are a necessary component to the RMA.

Maidment 9 (“A New Governance Strategy for Canadian Private Military Policy” Erica, http://www.cda-cdai.ca/cdai/uploads/cdai/2009/04/maidment08.pdf)KM

Over time, the private sector business model has become increasingly inappropriate.13 Reinventing service delivery is back on the public service and political agenda, including a cooperative attitude between government and private “third parties.” Salamon calls this approach “New Governance,” which entails several shifts in thinking: from programs and agencies to policy “tools” of all sorts, from hierarchies to networks, from competition between public and private to cooperation, from command and control to negotiation and persuasion, and from management to enablement.14 In the Canadian Forces, where tradition, hierarchy, clear distinction from other organizations, and command and control are the norm, adopting New Governance is challenging. Nevertheless, with the information technology-based RMA and the increase of non-state security threats and non-state security provision since the Cold War, this shift may be necessary.

Afghanistan/Iraq Ptx DA – Link – PMCs Popular – Economy

PMCs are liked- they help the economy

Schmeidl 8 (Susan-dr., Ph.D. in Sociology from Ohio State , *Swisspeace*, spring 8, http://www.swisspeace.ch/typo3/fileadmin/user\_upload/pdf/PSC.pdf ) ET

]The main positive aspect of the private security industry that was widely acknowledged during interviews and focus group discussions were to benefit the Afghan economy and employment opportunities.136 It was noted that in the current climate of unemployment, especially of (uneducated) ex-militia, there is an abundance of human resources that can be absorbed by PSCs. In addition to the ANA and ANP, PSCs can offer an employment opportunity for former militia fighters who may not have the skills to work in other civilian jobs. In order for this effect to remain positive, however, those interviewed suggested that PSCs need to emphasize education and training of their local staff, thereby also contributing to the growth of a professional work force in the security industry. Thus, working for PSCs could function as part of a reintegration mechanism for previous militia fighters. Focus group participants and respondents interviewed were not certain if PSCs had lived up to their possible contribution to capacity building and training and felt that there was much need for improvement. In addition, civil society representatives questioned whether PSCs represent a contradiction to the formal DDR process.

and contractors are popular- they provide jobs in the market

Schmeidl 8 (Susan-dr., Ph.D. in Sociology from Ohio State , *Swisspeace*, spring 8, http://www.swisspeace.ch/typo3/fileadmin/user\_upload/pdf/PSC.pdf ) ET

Beyond the employment effect, other positive economic impacts of PSCs were acknowledged during the

focus group discussions and interviews. First, as PSCs provide employment and tend to pay their staff more

than local security forces, the purchasing power of those individuals is also higher and can benefit local

businesses. Second, international PSC staff (as other internationals working in Afghanistan) is also seen as

contributing to the local economy with their purchasing power. Although, some focus groups felt that this

benefited mainly a small commercial sector targeting internationals (e.g., specific shops and restaurants). In

addition, the fact that PSCs, as other international actors, pay a higher rent for offices and houses than

Afghans, was seen by some as a positive contribution to the local real-estate market. Not all focus group

participants, however, saw this last point as a positive element. Some felt that the international community

in general, including PSCs, had contributed to a rent hike that pushed ordinary Afghans further outside the

city where housing was still affordable.

and security contractors are cheaper- good

Schmeidl 8 (Susan-dr., Ph.D. in Sociology from Ohio State , *Swisspeace*, spring 8, http://www.swisspeace.ch/typo3/fileadmin/user\_upload/pdf/PSC.pdf ) ET

The drastic rise of PSCs in Afghanistan is a response to a clear market demand for private security services.

According to PSC clients and UN officials, most international actors would not remain in insecure

environments, such as Afghanistan without adequate protection.130 In a situation where the local security

forces are not able to perform these services and the outreach of the international peacekeeping force is

limited, private actors fill this gap. Even many support functions of the international military are increasingly

outsourced to the private sector, which is considered a more cost-efficient and expedient service delivery

than those provided by large state bureaucracies.131

Afghanistan/Iraq Ptx DA – Link – PMCs Popular – Kidnapping

contractors popular- stop kidnapping

Schmeidl 8 (Susan-dr., Ph.D. in Sociology from Ohio State , *Swisspeace*, spring 8, http://www.swisspeace.ch/typo3/fileadmin/user\_upload/pdf/PSC.pdf ) ET

Kidnapping has become a major hazard not just of foreigners working in Afghanistan, but also for the

Afghan private sector. Often less covered in the media, there has been an increase of profit-oriented

kidnappings of Afghan businessmen.132 In such a situation, private investors have two choices - leave the

country, or hire some form of private protection, either individual armed bodyguards or PSC services.

In light of the above, the international and private sector presence in Afghanistan is, among others, secured

by PSCs. This necessary service provided by PSCs is often not fully understood by civil society and those who

were part of this study. Only in one focus group was it acknowledged that PSCs (e.g., USPI) provide security

for logistics such as delivering food and non-food items to provinces,133 while two others acknowledged the

protection of road construction.134

Local population sees contractors as interfering and rude

Schmeidl 8 (Susan-dr., Ph.D. in Sociology from Ohio State , *Swisspeace*, spring 8, http://www.swisspeace.ch/typo3/fileadmin/user\_upload/pdf/PSC.pdf ) ET

“How can we assess how helpful they [PSCs] are? How do we know that they do not have a role in making the country more instable in order to keep their job?”141 Another specific human security concern raised was the location of PSC offices in residential neighbourhoods, particularly in Kabul.142 Some focus group participants felt that rather than improving the security of an area, some PSCs actually decreased the security environment “as they are armed, block the road, are badly behaved and seem to attract trouble.”143 While supposedly guarding one house/compound, a focus group participant described PSC staff as interfering with the lives of everybody on that street. 144

Regulation CP – Solvency – Generic

PMC’s aren’t inherently bad, they just need regulation.

Kwok 6 (James, Sr Editor @ Harvard Review, Spring 6, *Soviet Legacies* vol 28) ET

Thus, it is necessary for individual states to ensure that PMCs are held directly accountable for their actions. South Africa is already working to update a 1998 legislation forbidding South African PMCs to operate without the express consent of the government. While PMCs are not inherently war criminals—nor should they be viewed as such—instituting regulations such as the ones being created in South Africa is necessary to ensure that PMCs behave within a framework of law to which they are held personally accountable

PMC’s are good but require regulation to solve.

Kwok 6 (“Armed entrepreneurs: private military companies in Iraq” Harvard International Review, Spring, James, http://findarticles.com/p/articles/mi\_hb137/is\_1\_28/ai\_n29261996/)KM

Machiavelli wrote in The Prince that "mercenaries and auxiliaries are useless and dangerous; and if one holds his state based on these arms, he will stand neither firm nor safe." This dark vision of opportunistic and itinerant thugs does not and should not apply to the international high-tech employee of today's private military companies. At least for the time being, PMCs offer benefits necessary for the US-led reconstruction of Iraq. The US military, especially in its maintenance of supply and logistical support systems, requires the skills and manpower that PMCs provide. However, to ensure that PMCs do not behave like Machiavelli's mercenaries, the burgeoning PMC industry should be regulated. The market for private security contracting is not yet mature, and it will require greater control and a clearer set of responsibilities in order for PMC services to complement the US military's work rather than undermine it.

Regulation CP – Solvency – Licensing

Required licensing of PMC activity solves – provides accountability under the law and empirically has solved for arms distribution.

Schreier and Caparini 5 (“Privatising Security: Law, Practice and Governance of Private Military and Security Companies”, Fred , consultant with the Geneva Centre for the Democratic Control of Armed Forces (DCAF), and Marina , Senior Fellow at the Geneva Centre for the Democratic Control of Armed Forces (DCAF) March, http://www.smallarmssurvey.org/files/portal/issueareas/security/security\_pdf/2005\_Schreier\_Caparini.pdf)km

Under this scheme, individuals or companies would be required to obtain a license for contracting to provide military and security services abroad. Legislation would define the activities for which licenses would be required, which could include personnel management, weapons procurement and maintenance, advice and consultancy services, training, logistical support, intelligence and counterintelligence, information, psychological and electronic warfare operations, other operational support as well as combat support and combat operations. It could also include crime prevention services, law enforcement and policing, physical guarding of personnel and installations, security consultancy services, protection of critical infrastructure, as well as providing security for transports, delivery of equipment, and valuables, provision of medical and paramedical services, humanitarian aid and disaster relief in conflict situations. One possible approach would be to establish a threshold for contracts so that only those above a specified value would require a license. Individuals or companies would apply for the required licenses in the same way as they do for licenses to export arms and dual-use goods, and would have to conform to criteria established for the export of services. Advantages: 448 • Licensing would be a more flexible approach than an outright ban. The government would have the opportunity to consider the nature of the service in question and its political, strategic, and economic context. • States have a legitimate right to self-defense that they may legitimately seek from foreign individuals and companies. To ensure that such external assistance is lawful, the legal responsibility of the individual or the company should be imputed to the state from which it comes, otherwise it could represent unlawful intervention. • Just as governments license the export of arms and military goods, and of dual-use goods and services to prevent NBC-proliferation, it seems reasonable that they should also license the export of military and security services. This should include a system that both licenses companies to operate in the first place as well as granting the government powers to authorize each contract that a provider wishes to enter into.449 • The US experience with a licensing system has been relatively successful for over two decades. The combination of arms brokering and PMCs or PSCs is how the regulatory system operates in the US.450 • A licensing and authorization system for PMC and PSC services could draw on several of the provisions in the EU Code of Conduct on Arms Exports, such as those relating to embargoed destinations, external aggression, human rights, and sustainable development.

Licensing and registration solves controversy and provides state limits on PMC capabilities.

Schreier and Caparini 5 (“Privatising Security: Law, Practice and Governance of Private Military and Security Companies”, Fred , consultant with the Geneva Centre for the Democratic Control of Armed Forces (DCAF), and Marina , Senior Fellow at the Geneva Centre for the Democratic Control of Armed Forces (DCAF) March, http://www.smallarmssurvey.org/files/portal/issueareas/security/security\_pdf/2005\_Schreier\_Caparini.pdf)km

Companies wishing to accept contracts for the provision of military or security services abroad would be required to register with the government and to notify them of contracts for which they were bidding. In the event that the government perceived a threat to national interests, strategy or policy, it would retain powers to prevent PMCs and PSCs from undertaking a contract. Advantages: • This would be a minimal regulatory framework under which companies would be required to register with the government and to notify it of contracts for which they are bidding. The burden on companies would normally be minimal. • It would increase the government’s knowledge of the sector. • The government could use the framework to proactively deal with emergent problems concerning PMCs and PSCs. • Granting ‘automatic’ licenses for projects provided to and carried out under the auspices of trusted international organizations of which the country is a member, or the EU, NATO, or OSCE could be justified because companies who have been vetted for competence under the government’s general licensing scheme and which were providing services to intergovernmental organizations or to the agencies of the home government would be unlikely to compromise national interests in any way. • The government could draw up a list of ‘states of concern’ to which the export of military services could automatically be banned. Exemptions to the normal licensing procedure would also be applied to contracts for non-contentious services such as the delivery of basic medical equipment to conflict zones. This would save time, free administrative capacity, and thus enable more thorough vetting of controversial project proposals.457

Regulation CP – Solvency – Backlash

National regulation solves best – it legitimizes PMC use and shifts backlash to PMC’s who try to work around laws.

Schreier and Caparini 5 (“Privatising Security: Law, Practice and Governance of Private Military and Security Companies”, Fred , consultant with the Geneva Centre for the Democratic Control of Armed Forces (DCAF), and Marina , Senior Fellow at the Geneva Centre for the Democratic Control of Armed Forces (DCAF) March, http://www.smallarmssurvey.org/files/portal/issueareas/security/security\_pdf/2005\_Schreier\_Caparini.pdf)km

There are a number of reasons for considering action to regulate activity by PMCs, PSCs or mercenaries: • Bringing non-state violence under control was one of the major achievements of the last two centuries. To allow it again to become a major feature of the international scene would have profound consequences. Were private force to become widespread, there would be risks of misunderstanding, exploitation, and conflict. It may, moreover, be safer to bring the private military and security industry within a framework of regulation while they are still a comparatively minor phenomenon. • Legal measures have in the past demonstrated that they can play an important role in dealing with non-state threats to security. For example, the elimination of piracy as a mass epidemic in the 1700s came about less through brute force than through changes in domestic and international law.466 The legal gaps, defects and ambiguities that currently facilitate operations by these polyvalent companies should be remedied through explicit rules that regulate and clearly limit what these private companies may or may not do internationally, while clearly defining their responsibility for human rights violations and abuses, and other crimes and offences, as well as that of the states that hire them and that of the individuals who recruit them. The UN Mandate and its work in peace-building and peacekeeping operations must be strengthened at the same time. • Actions in the military and security field have implications which go far beyond those of normal commercial transactions. They may involve the use of force and the taking of lives. Or they may impact on stability within a country or a region. They could cut across the state’s foreign and defense policy objectives, strategies, and national interests. The state’s own armed forces could find themselves confronting forces which had been assisted, trained or equipped by PMCs and PSCs based or headquartered at home. The activities of such companies will also reflect on the nation’s reputation. If PMCs are operating abroad, the outside world might assume that they have some degree of approval from the government. Moreover, in a major operation abroad, PMCs or PSCs might also put at risk the lives of their own nationals living or travelling abroad, and those of innocents. And there might well be national liabilities for rescuing failed PMC operations. • Regulation would help reduce all these risks. While a regulatory system might be less than foolproof, it would have a good chance of working if the sector as a whole believed that it was in their interests. Moreover, there are some PMCs or PSCs that might welcome clear guidelines.467 If the result of regulation was to help establish a reputation for PMCs or PSCs and those headquartered in-country as reliable and responsible partners, it could have the effect of making it easier for them to win business, for example from international organizations, NGOs, and multinational corporations. And if the regulatory regime was viewed as fair and reasonable, those companies who chose to place themselves outside it by going offshore would be putting themselves on the margins of the sector and their reputation would suffer accordingly.

Regulation CP – Solvency – US Key

PMC regulation must start nationally – defining the laws surrounding contractors is key.

Schreier and Caparini 5 (“Privatising Security: Law, Practice and Governance of Private Military and Security Companies”, Fred , consultant with the Geneva Centre for the Democratic Control of Armed Forces (DCAF), and Marina , Senior Fellow at the Geneva Centre for the Democratic Control of Armed Forces (DCAF) March, http://www.smallarmssurvey.org/files/portal/issueareas/security/security\_pdf/2005\_Schreier\_Caparini.pdf)km

It is clear that any regulating movement on the international front will take years to agree and to implement. However, it is equally clear that most of the legal options for dealing with PMC and PSC violations are national rather than international. Existing national regulations vary in quality and effectiveness, and, in many countries, are either full of loopholes or non-existent. And in most cases there are legal grey areas, including extraterritorial issues and problems related to a mixture of state and private actors working together.474 This means that each state that has some involvement with the industry, either as client or home base, has an imperative need to develop laws relevant to PMCs and PSCs, and the regulation of their activities. While certainly a burden for government, dealing with the legal challenges presented by the emergence of new industries is a requirement to ensure a living body of law. States have had to similarly adapt to the emergence of telecommunications, the Internet and gene-technology.475

Security Link – Spec Ops Adv. – Energy Militarization

Oil securitization rhetoric justifies military expansionism – it’s empirical - Carter’s rhetoric influenced the invasion of Iraq.

Klare 4 (Michael, professor of peace and world security studies at Hampshire College, [http://www.tomdispatch.com/post/1888/michael\_klare\_on\_oil\_wars\_and\_the\_american\_military] AD: 7/3/10)JM

American leaders have responded to this systemic challenge to stability in oil-producing areas in a consistent fashion: by employing military means to guarantee the unhindered flow of petroleum. This approach was first adopted by the Truman and Eisenhower administrations after World War II, when Soviet adventurism in Iran and pan-Arab upheavals in the Middle East seemed to threaten the safety of Persian Gulf oil deliveries. It was given formal expression by President Carter in January 1980, when, in response to the Soviet occupation of Afghanistan and the Islamic revolution in Iran, he announced that the secure flow of Persian Gulf oil was in "the vital interests of the United States of America," and that in protecting this interest we would use "any means necessary, including military force." Carter's principle of using force to protect the flow of oil was later cited by President Bush the elder to justify American intervention in the Persian Gulf War of 1990-91, and it provided the underlying strategic rationale for our recent invasion of Iraq. Originally, this policy was largely confined to the world's most important oil-producing region, the Persian Gulf. But given America's ever-growing requirement for imported petroleum, U.S. officials have begun to extend it to other major producing zones, including the Caspian Sea basin, Africa, and Latin America. The initial step in this direction was taken by President Clinton, who sought to exploit the energy potential of the Caspian basin and, worrying about instability in the area, established military ties with future suppliers, including Azerbaijan and Kazakhstan, and with the pivotal transit state of Georgia. It was Clinton who first championed the construction of a pipeline from Baku to Ceyhan and who initially took steps to protect that conduit by boosting the military capabilities of the countries involved. President Bush junior has built on this effort, increasing military aid to these states and deploying American combat advisers in Georgia; Bush is also considering the establishment of permanent U.S. military bases in the Caspian region. Typically, such moves are justified as being crucial to the "war on terror." A close reading of Pentagon and State Department documents shows, however, that anti-terrorism and the protection of oil supplies are closely related in administration thinking. When requesting funds in 2004 to establish a "rapid-reaction brigade" in Kazakhstan, for example, the State Department told Congress that such a force is needed to "enhance Kazakhstan's capability to respond to major terrorist threats to oil platforms" in the Caspian Sea. As noted, a very similar trajectory is now under way in Colombia. The American military presence in oil-producing areas of Africa, though less conspicuous, is growing rapidly. The Department of Defense has stepped up its arms deliveries to military forces in Angola and Nigeria, and is helping to train their officers and enlisted personnel; meanwhile, Pentagon officials have begun to look for permanent U.S. bases in the area, focusing on Senegal, Ghana, Mali, Uganda, and Kenya. Although these officials tend to talk only about terrorism when explaining the need for such facilities, one officer told Greg Jaffe of the Wall Street Journal in June 2003 that "a key mission for U.S. forces [in Africa] would be to ensure that Nigeria's oil fields, which in the future could account for as much as 25 percent of all U.S. oil imports, are secure." An increasing share of our naval forces is also being committed to the protection of foreign oil shipments. The Navy's Fifth Fleet, based at the island state of Bahrain, now spends much of its time patrolling the vital tanker lanes of the Persian Gulf and the Strait of Hormuz -- the narrow waterway connecting the Gulf to the Arabian Sea and the larger oceans beyond. The Navy has also beefed up its ability to protect vital sea lanes in the South China Sea -- the site of promising oil fields claimed by China, Vietnam, the Philippines, and Malaysia -- and in the Strait of Malacca, the critical sea-link between the Persian Gulf and America's allies in East Asia. Even Africa has come in for increased attention from the Navy. In order to increase the U.S. naval presence in waters adjoining Nigeria and other key producers, carrier battle groups assigned to the European Command (which controls the South Atlantic) will shorten their future visits to the Mediterranean "and spend half the time going down the west coast of Africa," the command's top officer, General James Jones, announced in May 2003. This, then, is the future of U.S. military involvement abroad. While anti-terrorism and traditional national security rhetoric will be employed to explain risky deployments abroad, a growing number of American soldiers and sailors will be committed to the protection of overseas oil fields, pipeline, refineries, and tanker routes. And because these facilities are likely to come under increasing attack from guerrillas and terrorists, the risk to American lives will grow accordingly. Inevitably, we will pay a higher price in blood for every additional gallon of oil we obtain from abroad.