

Banned In Baghdad: Reactions to the Blackwater License Being Pulled

Details are still fuzzy on the incident that led the Iraqi government to act against Blackwater. But it may be almost irrelevant to the results. Initial reports from the U.S. embassy are that a Blackwater USA convoy that was guarding State Department employees [came under fire](#) in the Mansour district in Baghdad. A vehicle was disabled and a lengthy gun battle broke out. Witnesses are reporting that it lasted at least 20 minutes. The Iraqi Interior Ministry is reporting that 8 Iraqi civilians were killed and 13 wounded in the crossfire. There will likely be lots of claims back and forth about whether the shootings were justified or not, whether who was killed were primarily insurgents or civilians, etc. and likely everyone will have their own spin. It will be interesting to see whether any video finds its way out.

The only thing we do know is that the Iraqi Government is not happy at all, with the Iraqi Prime Minister (who is Shia, so not pre-disposed to cover up for a Sunni attack) blaming the killings on the company's employees and describing it as a "crime." The Iraqi Interior Ministry says it is pulling the license of the company to operate in Iraq and will try to prosecute any foreign contractors found to have used excessive force in the Sunday shooting.

Still, even before all the details come to light, a few things are clear:

1) *It was inevitable.* Private military contractors have been involved in all sorts of questionable incidents, since the very start of the Iraq enterprise. U.S. military officers frequently expressed their frustrations with sharing the battlefield with such private forces operating under their own rules and agendas, and worry about the consequences for their own operations. For example, Brigadier General Karl Horst, deputy commander of the US 3rd Infantry Division (responsible for Baghdad area) tellingly put it two years back, [These guys run loose in this country and do stupid stuff](#). There's no authority over them, so you can't come down on them hard when they escalate force. They shoot people, and someone else has to deal with the aftermath."

No one has kept an exact count of the incidents, but some notable examples include:

- The Aegis "[trophy video](#)," in which contractors took video of themselves shooting at civilians, set it to the Elvis song "Runaway Train," and put it on the Internet.
- The alleged joyride shootings of Iraqi civilians by a [Triple Canopy](#) supervisor. They became the subject of a lawsuit after two employees, who claim to have witnessed the shootings, lost their jobs.

- Armed contractors from the Zapata firm [detained by U.S. forces](#), who allegedly saw the private soldiers indiscriminately firing not only at Iraqi civilians, but also at U.S. Marines. Again, they were not charged, as the legal issues could not be squared. Private military firms may be part of the military operation, but they and their employees are not part of the military, or its chain of command or its code of justice.
- Abu Ghraib, where reportedly 100 percent of the translators and up to 50 percent of the interrogators at the prison were private contractors from the Titan and CACI firms, respectively. The U.S. Army found that contractors were [involved in 36% of the proven abuse incidents](#) and identified six particular employees as being culpable in the abuses. While the enlisted U.S. Army soldiers involved in the Abu Ghraib abuse were court-martialed for their crimes, not a single private contractor named in the Army's investigation report has been charged, prosecuted or punished. The Army believes it lacks the jurisdiction to pursue these cases, even if it wants to.

The inevitable part was not just the shootings, but the government's reaction, which has been on the horizon for a while. The Iraqi government is supposedly a sovereign state, so it is not surprising that at some point it would start to act like one, trying to enforce its monopoly over violence against other armed organizations on the ground.

2) *Pay attention to the politics.* 2) The underlying politics to this are important to understand. Private contractors are a visible and especially disliked part of the US presence in Iraq. So a good way for Iraqi government officials, who are often depicted as stooges of the US, to try to burnish their nationalist credentials is to go after the contractors. They can make it look like they are standing up to the big bad outsiders, but not do so against U.S. troops. As AFP noted, "Monday's action against Blackwater was [likely to give the unpopular government a boost](#), given the contractors' widespread unpopularity."

3) *That it was Blackwater is unsurprising.* As illustrated by the examples listed above, Blackwater is not the only company working in Iraq. Indeed, the *L.A. Times* recently reported that there may be over 160,000 private contractors working in Iraq, as many as the overall number of US forces even after the "surge." However, Blackwater has been one of the most visible -- unusual for an industry that typically tries to avoid the limelight. This notoriety makes Blackwater a fatter target than, say, an unknown British or Bulgarian company.

The relationship between the Iraqi government and Blackwater is particularly tense -- and not just because armed Blackwater guards are the contractors that senior Iraqi government officials run into the most. On Christmas Eve 2006, a Blackwater employee allegedly got drunk while inside the Green Zone in Baghdad and got in an argument with a guard of the Iraqi Vice President. [He then shot the Iraqi dead](#). The employee was quickly flown out of the country.

Nine months later, he has not been charged with any crime. Imagine the same thing happening in the U.S.: An Iraqi embassy guard, drunk at a Christmas party, shooting a Secret Service agent guarding Vice President Cheney. You can see some potential for underlying tension there. In May 2007, there was another reported shooting of an Interior Ministry driver by Blackwater employees. That led to an armed standoff and had Matthew Degn, a senior American civilian adviser to the Interior Ministry's intelligence directorate, describing the ministry as "a powder keg" of anger at the firm.

4) *This is what happens when government fails to act.* The problems with the absence of oversight, management, doctrine, and even law and order when it comes to private military contractors have been known for a while. Heck, I wrote a book about it back in 2003, before the Iraq invasion. While the industry has boomed, the vacuum of policy and strategy has continued for years. In June 2006, for example, the Government Accountability Office [reported](#) that "private security providers continue to enter the battle space without coordinating with the U.S. military, putting both the military and security providers at a greater risk for injury."

U.S. officers in the field are also complaining about the underlying harm created by this lack of policy. For example, Col. Peter Mansoor is one of the most influential military thinkers on counterinsurgency -- currently serving as Gen. David Petraeus' executive officer. In 2007, he told *Jane's Defense Weekly* that the U.S. military needs to take "a real hard look at security contractors on future battlefields and figure out a way to get a handle on them so that they can be better integrated -- if we're going to allow them to be used in the first place. If they push traffic off the roads or if they shoot up a car that looks suspicious, whatever it may be, they may be operating within their contract (but) to the detriment of the mission, which is to bring the people over to your side. I would much rather see basically all armed entities in a counter-insurgency operation fall under a military chain of command."

Yet, nothing much has happened. Indeed, the only real action was limited efforts in the Congress. In Fall 2006, Senator Lindsay Graham [slipped into the 2007 Defense Bill](#) a clause that could potentially place contractors and others who accompany American troops in the field under the U.S. military's Uniform Code of Military Justice (UCMJ). That is, he changed the law defining UCMJ to cover civilians -- not just in times of declared war, but also during contingency operations. Almost 10 months later, however, no Pentagon guidance has been issued on how this clause might be used by JAGs in the field. So, its impact so far has been like a tree falling in the forest, with no one around.

More broadly, there have been several recent efforts at bringing some transparency and oversight to the U.S. side of the industry. Key players have been Representatives Jan Schakowsky and David Price, and Senator Barack Obama. (His [bill](#), the "Transparency and Accountability in Military and Security

Contracting Act of 2007," essentially brings together the reforms sought by Schakowsky and Price on the House side.) These have not yet passed into law, but may during the upcoming debates. Whether the executive branch will use them, though, returns us back to the problem of inaction on Graham's bill.

The point is that the U.S. government has paid for the industry for years, but had tried to ignore the accompanying responsibility for the consequences. In lieu of our own inaction, the Iraqi government has stepped in, perhaps in a way that we may not be happy with.

Of course, there is an underlying irony. There are reports that the "license" that the Iraqi government is supposedly revoking doesn't exist. The Iraqi Interior Ministry is the entity that every contractor is supposed to register with, but it is also the organization that the recent panel led by retired General James Jones described as "dysfunctional" and "[a ministry in name only](#)." So many companies have been unable to register, and many contractors have even had to resort to using their business cards as if they were official IDs. It will be interesting to see if this included the very company hired to guard senior U.S. leaders in Iraq.

5) *Over outsource and you paint yourself into a corner.* This is what happens when you hollow out your operations. Blackwater has a contract to guard State Department employees. Now, the question must be asked: If the company cannot do so, what happens next?

Tongue in cheek, one could say that we all learned last week that: (a) the U.S. has enough extra military forces in Iraq and (b) the security situation is getting better. So, if this is true, then what's all the fuss?

Of course, we all know that the whole Kabuki play last week in Congress was false and that the security situation is atrocious and that State personnel still need to be guarded. Back in the day, all of these roles would have been filled either by military forces or State Department diplomatic security. But our military forces are stretched thin, and the government's diplomatic security force has been hollowed out at the same time that the need for it has expanded. (And just for the record: A consortium of companies, led by Blackwater, got a \$1 billion contract to do the global State Department diplomatic security job last year. So it wasn't exactly a lack of money that caused the hollowing.)

So, in the short term following such a market failure, we have three likely choices: 1) ignore the Iraqis' wishes and just keeping on using Blackwater contractors as before; 2) find another company to step in and quick-fill take on these roles in lieu of the firm; or 3) negotiate with the Iraqis to find terms under which the firm might continue to carry out the operation (such as promising a joint investigation, payments to civilians, etc.). Obviously, none of these is a great solution in the short term. None solve the long-term problems. But those are the

terrible cards we have in our hands right now. Again, we can't blame anyone else. When it comes to military outsourcing: We dealt these cards to ourselves.

As we now see in Iraq and elsewhere, the privatized military industry is a reality of the 21st century. This entrance of the profit motive onto the battlefield opens up vast, new possibilities, but also a series of troubling questions – for democracy, for ethics, for management, for law, for human rights, and for national and international security. At what point do we begin answering them?

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