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ABSTRACT

TITLE OF THESIS:

Use of Private Security Companies by
Diplomatic Security in support of Operation
Iraqi Freedom: Lessons Learned

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This thesis set out to examine the Department of State's (DOS) use of Private Security Companies (PSCs) in support of Operation Iraqi Freedom (OIF) and the re-opening of American Embassy Iraq. The purpose was to analyze the performance of DOS's Diplomatic Security Service (DS) and its Office of High Threat Protection (HTP), and to identify lessons learned and possible areas of improvement in future DS HTP operations. This thesis identified several areas of concern and offers suggestions on how to improve the DS HTP program. Because of the recent increase in outsourcing security operations to the private sector by the Department of Defense (DOD) and other members of the Intelligence Community (IC), this issue, as well as the conclusions presented, should be of interest not only to DOS, but to DOD and members of the IC.

The data for this study was collected by surveying and interviewing key players in the establishment and management of the DS HTP program in Iraq. The scope of information collection was not limited to DOS personnel, but also included DOD personnel and members of the PSC community who participated in the planning and execution of DS HTP operations. Another source of data was the author's own personal experience, which provides a firsthand account of the events that transpired in the first

year of the re-opening of Embassy Iraq. Also included in this study is an overview of the PSC industry and the DS HTP program, both of which are pertinent for the understanding of the research issue.

Upon compiling and analyzing the surveys and interviews, it became evident that the primary factor that negatively impacted DS HTP operations in Iraq was the lack of planning and coordination between DOS and DOD prior to the conduct of both military and civilian operations. The failure of the U.S. Government to adequately plan for and respond to the mounting Iraqi insurgency impeded both diplomatic Stability and Reconstruction (S&R) operations throughout 2004 and 2005. As a result, DS HTP operations experienced a lack of funding, manpower and equipment at the start-up.

This thesis has made several recommendations addressing DS personnel and training issues. It is also noted, that in light of current National Security Strategy and its emphasis on exporting democracy abroad, there is a pressing need for greater coordination between DS and DOD elements, which will be conducting "joint" operations for the foreseeable future. Both must pay closer attention to the planning and coordination of future S&R operations, to include the deployment and control of civilians and contract PSCs on the battlefield. Despite the initial challenges, DS HTP operations have evolved into a model for the management of contract PSCs. Members of DOD and the IC, who are currently struggling with the management of PSCs, can look to DS and the Office of High Threat Protection as a resource for the management and control of PSCs in non-permissive environments.

**USE OF PRIVATE SECURITY COMPANIES BY DIPLOMATIC SECURITY IN
SUPPORT OF OPERATION IRAQI FREEDOM: LESSONS LEARNED**

by

(b)(6)

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The views expressed in this paper are those of the author and
do not reflect the official policy or position of the
Department of Defense, Department of State or the U.S. Government

Dedications and Acknowledgements

Dedicated to the memory of Special Agent (b)(6) who gave his all for the sake of his country. Your laughter and friendship are greatly missed

With Special thanks to:

My wife, (b)(6), and my children: (b)(6), who give me inspiration and strength.

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CHAPTER 1

THE STUDY

The topic

On 19 September 2005, a Diplomatic Security (DS) Special Agent and three other members of the private security company, Blackwater USA, were conducting a high-threat protective security motorcade operation in the al-Zera'a district of the northern Iraqi city of Mosul in support of the U.S. Department of State diplomatic operations. Unknown to the members of the security detail, Iraqi militants were preparing to conduct an ambush on the passing motorcade; an all too frequent occurrence in the war-torn Iraqi countryside.

As the five-car DS motorcade proceeded on its mission, a lone male driver, sitting in a silver-gray Opel Omega 4-door vehicle, pulled into the roadway and began to drive parallel to front of the motorcade on the 6 lane hwy. Taking note of the Opel, the lead vehicle of the motorcade executed a defensive vehicle maneuver and "pushed" the gray Opel," without making contact, toward the right shoulder of the highway. Undeterred, the Opel driver then began to drop back slightly and attempted to squeeze in to the space between the lead vehicle and the designated limousine of the motorcade. Following standard motorcade operation tactics, the DS Protection Security Specialists (PSS) quickly tightened the space between the motorcade vehicles and once again prevented the Opel from "breaking the motorcade.

Realizing that he could not force his way in-between the lead protection vehicle and the limousine vehicle, the Opel driver slowed his car, dropped back and made a third

security vehicle. Again the PSS in the follow car closed-up the space between the motorcade vehicles, and attempted to "push" the gray Opel off to the right side of the road. At that point, the driver of the gray Opel detonated his vehicle beside the DS follow car, throwing the armored sport utility vehicle across 6 lanes of highway to the other side of the road and sending it crashing into a heavy stone wall where it ultimately came to rest. The occupants of the vehicle, three Blackwater USA PSS and DS agent (b)(6) were killed instantly.¹

The remainder of the security motorcade continued on about 125 meters, stopped, (shrapnel and shock wave had hit some of the other vehicles) and immediately came under attack by small arms fire. The PSS team, which included a counter assault vehicle/team, took cover and engaged at least 4 insurgents, one of whom had a belt fed PKM medium machine gun. In the ensuing firefight, the PSS team killed or wounded three or more insurgents. As the fighting wore on, U.S. Army helicopters arrived to provide covering fire and two US Army Strykers responded 400 meters North and South for perimeter security.²

DS and its Private Security Contract (PSC) force are on the front lines of diplomacy, putting their lives on the line to protect U.S. Government (USG) personnel on behalf of the U.S. Department of State (DOS). DS Agents and High Threat Protective Security Specialists routinely conduct security operations in war zones such as Iraq and Afghanistan and fight side-by-side with U.S and Coalition military forces. This current trend of high-threat diplomacy comes with a price- 27 PSS contractors and two DSS

(b)(6), Security Contract Officer, Diplomatic Security Service, Office of High Threat Protection, Telephone interview by author, 13 June 2006.

(b)(6) telephone interview.

agents, killed in Iraq, Afghanistan and Gaza since 2003, as well as a number of others who have been wounded in action conducting security operations for the DOS.³

The following chapter will present the overall thesis topic: "The U.S. Department of State's use of Private Security Companies in non-permissive environments," to the reader and will describe the paper's purpose and provide the background against which the research was conducted. The intent is to provide the reader with a familiarity of the research topic, its relevance for the Intelligence Community, and why this study presents an opportunity for original research.

Purpose

This thesis will provide an analysis of the use of contracted Private Security Companies (PSCs) conducting high threat protection (HTP) operations by the U.S. Department of State (DOS) Bureau of Diplomatic Security (DS), in support of U.S. policy in Iraq. Its will be to study the evolving issues surrounding the use of PSCs by DOS/DS and to review the management of DOS/DS High Threat Protection assets in a non-permissive environment. The assessment will analyze the performance of DOS/DS and PSCs and identify challenges that occurred during the planning and execution of the DS/HTP mission in Iraq. It will conclude by providing possible solutions to improve the use and effectiveness the DS/HTP program and identify areas for future study.

Assumptions

To better understand the analytical process, it is necessary to understand the basic assumptions that were made throughout the study. During the course of Operation Iraqi

(b)(6) telephone interview.

Freedom and the subsequent reconstruction effort of Iraq, the performance of the Bureau of Diplomatic Security and its contract assets have been exemplary, given the circumstances surrounding the post-invasion insurgency. Despite the ongoing military conflict, the Iraq HTP has provided protection to designated principals and has never suffered a loss of life or serious injury of any of its protectees. This unblemished record demonstrates the high degree of professionalism and proficiency of the DS HTP program.

Because the size and scope of the High Threat Protection mission in Iraq is unparalleled in the history of DS, in both scale of planning and operations, it is assumed that during the planning and execution phases of the mission that there are areas which could have benefited from more development time and coordination between DOS and DOD, and between DOS and DS.

Background

The modern use of Private Security Contractors by nation states is a controversial subject within the international security community. PSCs find their roots in the murky world of mercenary actions which thrive on governmental instability. For this reason alone, PSCs are viewed suspiciously by international human rights groups as purveyors of violence and opportunists who exploit the misery of others for profit. Despite this shadowy reputation, the use of PSCs by national governments, multinational organizations and private industry has grown at a fast rate, due in part to the instability that was created in the international community by the collapse of the Soviet Union. The U.S Government (USG) and DOS are no exceptions in their increasing reliance on PSCs

to staff expanding security operations, particularly in response to U.S. foreign policy in support of the Global War on Terror (GWOT).

The Bureau of Diplomatic Security, the security and law enforcement resource for the U.S. Department of State, has a tradition of contracting private security companies to provide security services for U.S diplomats and DOS diplomatic facilities around the world. The most common uses of PSC services by DS is the use of contract personnel to staff embassy guard forces, surveillance detection teams, training and advisory positions, and Protective Security Details. In the past, Protective Security Details (PSDs) were staffed by U.S. Special Operations Units, contract Protective Security Specialists (PSS), and in some cases, DS Special Agents to protect U.S diplomats abroad, certain designated foreign heads of state and other assigned dignitaries. Due to the overwhelming success of this practice, which started in Haiti, contract PSDs were subsequently utilized in Bosnia, Israel, Afghanistan, and most recently in Iraq.⁴

The deployment of DOS contract PSCs to Iraq marked a significant departure for DOS/DS for a number of reasons. First, the scope and size of the HTPP mission was the largest undertaking in DS history, presenting a number of challenges for DS program managers who have struggled to fund, staff, logistically support and provide contract oversight for the PSCs operating in theater. Second, because the U.S.-led coalition is still conducting military operations against an active terrorist insurgency, DOS PSCs are forced to conduct security operations in a "non-permissive environment" (war zone), exposing them to the same risks as coalition military forces. The high-threat environment

⁴U.S. Department of State, "High Threat Protection Mission," Web-only report, September 2005, URL:< http://dsu200w2ka30.ds.state.gov/portal/page?_pageid=73,2340284,73_2372283&_dad=>, accessed 9 September 2005.

creates tactical problems for the defensive oriented PSCs, which are sometimes forced to conduct business in theaters of offensive military operations. Third, because the Iraqi Government and the Iraqi legal system are ineffective, the PSCs are placed in a precarious legal situation, falling beyond the scope of legal authority of the U.S. Ambassador or DOD Theater Commander. These issues, combined with high-profile PSC events that impact DOS (the abuse of Iraqi prisoners by DOD and Intelligence Community contractors at Abu Ghraib), indicates that there is merit in studying the use of contract security personnel to identify potential challenges, best practices and lessons learned in Iraq.

Implications for the Department of Defense and the Intelligence Community

The primary reason why this subject is of importance to the Intelligence Community and DOD is the protection of personnel. At U.S diplomatic facilities abroad, the responsibility for the security of members of the IC falls within the scope of the Chief of Mission's (COM) authority, under the purview of the senior DS Agent on the ground, who holds the title of Regional Security Officer (RSO). It is the RSO's responsibility to provide oversight for the PSCs who are contracted to protect personnel assigned or attached to the U.S. Embassy. Certainly the most valued assets of the IC and DOD are its personnel, without whom the collection of intelligence is severely crippled. On the strategic level, the failure to collect, analyze and exploit human intelligence is a significant loss to the overall USG intelligence collection effort.

The second reason that the IC and DOD have a vested interest in the use of PSCs by DOS is financial. Providing a secure environment at a U.S embassy or diplomatic

The second reason that the IC and DOD have a vested interest in the use of PSCs by DOS is financial. Providing a secure environment at a U.S embassy or diplomatic mission is expensive. "For Fiscal Year (FY) 2006, Diplomatic Security requested \$689.5 million, an increase of \$39.6 million (6 percent) over the FY 2005 level, to maintain security programs in the face of an increased terrorist threat."⁵ At U.S. embassies abroad, the cost of security is one of the many costs that are shared by agencies posted at the mission, to include members of the IC and DOD. In Iraq, these costs also include "joint" DOD and DOS programs such as Regional Embassy Offices (REO) (Mosul, Hillah, Basra and Kirkuk) and five State Embedded Teams (SET), which represent USG interests in the provinces, as well as the use of PSCs.

DOD and the Intelligence Community (IC) will benefit from this research by gaining a better understanding of an emerging security trend that has a direct impact on military and intelligence operations conducted abroad. The use of PSCs in non-permissive environments is not limited to Iraq and will occur again in the future. It is imperative that the IC is aware of issues surrounding the use of PSCs conducting security operations during combat operations.

Opportunity for Original Research

Despite the considerable growth of the DS HTP program, there have been no studies conducted concerning the impact of PSCs on DOS and DS operations, nor has there been any research concerning the role that DOS PSCs have played in support of

⁵Greg Starr, Deputy Assistant Secretary for Countermeasures, Bureau of Diplomatic Security, "Remarks to House International Relations Subcommittee on Africa, Global Human Rights, and International Operations," Washington, DC, 12 May 2005. URL: <www.state.gov/m/ds/r/ls/rm/46151.htm>, accessed 25 February 2006.

Operation Iraqi Freedom. This thesis will be the first study of the DS HTP program and its use of PSCs to support DOS/DOD operations in a non-permissive environment, and will provide analysis of past DOS/DS security operations, as well as provide insights and implications for future DOS/DS missions.

The Issue

The Bureau of Diplomatic Security (DS) is currently conducting High Threat Protective Security Details during the course of ongoing military operations in Iraq. Because the size and scope of these missions are unparalleled in the history of DS, there are many managerial and operational lessons to be learned concerning the planning and execution of utilizing PSCs in a non-permissive environment, which ultimately have policy and life/safety implications. Upon examination, it is also evident that in order to minimize the loss of life in the conduct of security operations in war zones, there must be detailed planning and policy regulating the use of PSCs and their interaction with DOD assets.

HYPOTHESIS

DS can improve the planning, management and coordination of its PSC assets conducting HTP operations in non-permissive environments by applying lessons learned from DS HTP operations supporting Operation Iraqi Freedom and the opening of the American Embassy in Baghdad and the SETs and REOs throughout Iraq.

Key Questions

1. How is the security mission in Iraq different from other American embassy security missions?
2. What is the historical precedence of the DS High Threat Protection Program?
3. What steps did DS take to prepare for the opening of American Embassy Iraq?
4. What is the legal status of Private Security Contractors in Iraq?
5. What was the nature of the Department of State's relationship with the Department of Defense during the planning, execution and post-military operations?
6. What lessons can be learned from DS Operations in Iraq?
7. What is the future of DS HTP Operations?

RESEARCH DESIGN

Data Collection

The research question is: What lessons can be learned from the Department of State's use of Private Security Companies in Iraq and how can Diplomatic Security most effectively utilize its PSC assets in the future? This research is a case study that will utilize interviews, archival data, literature reviews and content analysis to ensure triangulation of data. The case study will focus on DOS and DS's planning for DOS operations in Iraq, the relationship between DOS and DOD and DS's use of PSC to support DOS operations during the reconstruction phase of OIF.

The recent outgrowth of the use of PSCs by government and civilian organizations, as well as the war in Iraq, has generated considerable interest and media coverage of the PSC industry. The DS/PSC case study will contain a review of available literature relating to the topic of Private Security Companies, to include authoritative books, current news periodicals and journals and government reports. This study will also include archival data derived from DOS, DOD and DS bilateral agreements, CPA and DOS memorandums, contract guidelines and DS/DOS contract Statements of Work (SOWs), DOS Foreign Affairs Manual, American Embassy Baghdad's policies, the Bureau of Diplomatic Security FY 2006 Performance plan and other official government documents that were generated during the planning and execution phases of DOS operations in Iraq during the years 2002-2005.

Also included in the study will be data obtained from government reports that have addressed DOS's role in Iraq, to include: *"Rebuilding Iraq, Stabilization, Reconstruction, and Financing Challenges;" The Audit Report from the Office of the Special Inspector General for Iraq Reconstruction, The GAO report "Rebuilding Iraq, Actions Needed to Improve Use of Private Security Providers" and "Future of Iraq Project."* These reports will provide critical information and analysis that will be utilized to support the research conclusion.

The research approach will include subject interviews with individuals who are currently employed with private security companies, as well as federal civilian and military personnel who are professionals in their respective fields and who have had first hand experience with DOS's use of PSC in Iraq. The interviews will include former Regional Security Officers at American Embassy Baghdad, DS Agents and Program

Managers, Department of Defense personnel, and Contracting Officers who managed the security contracts for DOD and DOS. The interviews will be conducted using a semi-structured approach, with the purpose of eliciting both general background information and very specific information concerning DOS's use of PSCs in Iraq.

The subject interview portion of the research design consists of two phases: the initial background questionnaire and the interview. The questionnaire will consist of questions that are designed to elicit specific information that a particular interviewee possesses and to obtain a professional opinion concerning a particular subject. Once the questionnaire has been completed and returned, the answers will be recorded and analyzed and the data obtained from respondent's answers will be used to design further questions that will be asked in a subsequent interview.

The subject interviews will be conducted in person or telephonically. The interview questions will be relevant to the interviewee's prior or present position relating to DOS's use of PSCs in Iraq. The interview questions will be specific enough to elicit required information, and open-ended so that the interviewee may expand upon any subject deemed to be pertinent. Unscripted follow-up questions will be asked as needed, to clarify points and to obtain further information as required.

Another source of knowledge will be provided directly from the author, based on personal experiences and observations that were obtained in Iraq from July 2004 to June 2005. The author has seven years of service with DS and has training and experience in the conduct of HTP operations, to include the contract oversight of DS and DOD PSCs in Iraq. The author will analyze all data collected, based on his training and knowledge obtained through the academic, military, police and DS experience.

There are limitations to this particular research design which are inherent when dealing with human subjects and data interpretation. In order to gain a reasonable measure of response from within the scope of accepted field of knowledge, the information collected was obtained from interviewees who were selected because of their knowledge and expertise of the topic presented. Some of the interview questions are intentionally designed to elicit a professional interpretation of specific data, causing the answers to be predisposed to subjective interpretation.

Analytical Strategy

The study will utilize a qualitative analytical strategy, analyzing the data collected as stated in the research design portion of this section. The primary goal of the analytical strategy is to examine the facts surrounding the use of PSCs by DOS and to evaluate the performance of the DOS and DS's planning and management of its contracted security force in Iraq.

The standard of measurement that will be utilized to determine the success or shortcoming of a given program, policy or event, is whether or not the initiative led to the fulfillment of a specific predetermined objective or goal. Once the degree of success of a specific action is determined, it then will be considered within the context of the U.S. Government's stated policy objectives to determine the strategic impact of the action or event.

Limitations

Because of the ongoing use of PSCs by DOS in Iraq, the timeline will begin in January 2002 and conclude in April 2006. This paper will specifically examine DOS/DS use of PSCs conducting high threat protection operations; it will not focus on DOS's use of PSCs contracted to provide static security for USG facilities or other support services.

OVERVIEW

The purpose of Chapter 2 will be to familiarize the reader with the background of Private Security Companies and to provide an overview of the pertinent issues concerning the PSCs. Chapter 2 will review the various types of companies within the private security industry, and give an overview of the services that they provide. The chapter will also familiarize the reader with the history of Private Security Companies, tracing their origins and documenting the growth of the Private Security industry. It will also discuss relevant issues that surround the use of PSCs by both governmental and non-governmental actors and review current literature pertaining to PSCs.

Chapter 3 will explain the mission of DS and document the nature of the relationship between DS and the DOS. Chapter 3 will also provide an overview of the DS High Threat Protection program and will detail the use of PSCs by DS in high threat environments and provide a description of the operational management of PSCs. It will also discuss the benefits and disadvantages of utilizing PSCs to conduct HTP operations. The information will be derived extensively from interviews of DS Agents and program managers, and through the study of DOS/DS internal documents.

Chapter 4 will document the use of PSCs by DOS in Iraq. It provides an overview of DOS's and DOD's planning and execution of Operation Iraqi Freedom and the postwar-reconstruction phase of the campaign and documents how inter-department differences have created challenges for the management and control of DOS PSCs. This chapter will study the relationship between DS program managers in Washington DC and DS Agents in Baghdad, and the impact that the relationship has had on the management of DS PSCs in Iraq. The information in this chapter will be acquired through subject interviews of persons who were directly involved with the use of PSCs by DOS, or who were in support of DOS and DOD operations in Iraq from 2002 to April of 2006; USG reports and internal documents will also be utilized for reference. The author will also draw upon personal experience and observations obtained in Iraq from July 2004 to June 2005, which will be included in the final analysis.

Chapter 5 will focus on the lessons learned from DS's use of PSCs in Iraq, based on the analysis of the data collected during the course of this study and will also provide recommendations for areas of the future study of DOS HTP operations.

CHAPTER 2

PRIVATE SECURITY COMPANIES

BACKGROUND

The use of private contractors to conduct security operations is not a new concept or one that is an outgrowth of the current war in Iraq. The modern Private Security Companies (PSCs) currently operating in Iraq are most closely related to mercenary forces, a military phenomenon that dates back to the Carthaginian armies used by Hanibal to invade Italy.⁶ Mercenaries may be broadly defined as soldiers who fight or engage in warfare, primarily for private gain and usually with little regard for ideological, national or political considerations.⁷ Given the current role that private security companies are playing in support of Operation Iraqi Freedom, to include fighting side-by-side with U.S. troops as described above, it is very difficult not to label the modern PSCs as “mercenaries.” The purpose of this chapter will be to familiarize the reader to the growth of the modern private security industry and the issues surrounding the increase of their use by state actors.

Private Security Firm, Private Security Company, Private Military Company, Private Security Contractors and Security Contractors, are names and titles used to describe business organizations that provide professional services associated with warfare. They specialize in the provision of military skills, including combat operations,

⁶Ken Silverstein, *Private Warriors* (London: Verso 2002), 145.

⁷Merriam-Webster Online Dictionary, online ed., 2005, under the term “Mercenary,” URL:<<http://www.m-w.com/cgi-bin/dictionary>>, accessed 23 December 2005.

strategic planning, intelligence, risk assessment, operational support, training, and technical skills. Peter Singer, author of *Corporate Warriors: The Rise of the Privatized Military Industry*, notes that the modern industry of PMCs “didn’t really exist until the start of the 1990’s...since then, it’s grown in size, in monetary terms to about \$100 billion worth of revenue a year. In geographical terms, it operates in over 50 different countries. It’s operated on every single continent but Antarctica.”⁸

Today’s PSC and Private Military Firms (PMFs) offer their services to traditional state governments, multi-lateral organizations such as the United Nations, as well as to private-entities such as Non-Governmental Organizations (NGOs). The modern PSCs offer an array of military and police services associated with both internal and external state security. In her book *The Market for Force, the Consequences of Privatizing Security*, author Deborah D. Avant captures the essential PSC services available on the open market. Under the heading of military services provided, Avant lists “Armed Operational Support, Unarmed Operational Support on the Battlefield, Unarmed Military advice and training, and Logistical Support.”⁹ Under the heading “Police Services” are listed “Armed Site Security, Unarmed Site Security, Police Advice and Training, Crime Prevention and Intelligence.”

⁸Peter Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Cornell University Press, Ithaca and London, 2003), 8.

⁹Deborah Avant, *The Market for Force* (Cambridge, Cambridge University Press: July 2005), 18-19.

Types of Private Security Companies

The following definitions are provided for the purposes of clarity: *Private Military Firm (PMF) or Private Military Company (PMC)*: Companies that specialize in the strategic and tactical environments of military and paramilitary operations. The companies may engage in actual fighting as front line units, specialists or direct command and control for field units. Examples of such companies are Executive Outcomes, SCI, and NFD, which have conducted combat operations in Angola, Sierra Leone, Papua New Guinea and Indonesia.¹⁰ These companies are most closely associated with the term “mercenary” and typically are utilized by clients who have weak or unstable military capabilities. Services provided will vary from company to company, but may include small unit offensive and defensive combat operations and counter-insurgency warfare.

Military Consulting Firms (MCFs): Serve in an advisory capacity, providing training assistance in planning strategic and tactical operations. Examples of such companies are MPRI and Vinnelli. These companies are normally contracted when a client wishes to increase the performance of its military, police and intelligence agencies. Typical services provided may include: leadership development, military and police training in organization, planning, operations, security policy and procedures.

Military Support Firms (MSF): Provide logistic, technical, supply, transportation and other services to clients in support of military operations. The contractors do not directly participate in combat operations, but provide essential support services to the

¹⁰Alane Kochems, “When Should the Government Use Contractors to Support Military Operations?” The Heritage Foundation, Policy, Research and Analysis, Backgrounder # 19038, 19 May 2006, online study, URL:< <http://www.heritage.org/Research/NationalSecurity/bg1938.cfm>>, accessed 20 May 2006.

war-fighter. Examples of MSF are Halliburton and its subsidiary Kellogg Brown & Root, or K.B.R., and DynCorp.

Private Security Companies (PSC): A generic term used to loosely describe a company that specializes in providing unarmed or armed security details, in civilian and military environments. A PSC will traditionally offer guard services, bodyguard details, high-threat protective details, risk assessments, intelligence services and training programs. PSC is a very slippery term, in that it conveys a more passive approach to security and paramilitary operations, but the reality is many PSCs find themselves operating on the front lines in combat environments. Examples of PSCs are Blackwater USA Security, DynCorp, Triple Canopy, Armor Group, Kroll, Aegis, and Control Risk Group. For the purpose of this paper, the author will use the term PSC when referring to PSCs, PMFs, PCFs and MSFs.

Post-Cold War Rise of PSCs

It is a commonly held opinion that the rise of the modern PSC industry can be directly traced to the end of the cold war, which led to the downsizing of militaries, causing tens of thousands of personnel to be de-mobilized from the Armed Forces. In the U.S., between the years 1985-1999, the Army's troop levels fell from 800,000 to 480,000; cuts were less severe in the other services, but military manpower overall was off by an average of 30 percent.¹¹ Many of these personnel were highly trained military professionals from elite special operations units who were drawn to the private

¹¹Silversteen, 144.

military/security industry by lucrative salaries and an opportunity to continue to work in an environment where they could continue to utilize their military skills.

The end of the cold war also allowed longstanding conflicts held in check by former superpowers, to rise to the surface. As these conflicts began to reemerge, neither the U.S, nor Russia or international organizations such as the United Nations were willing to intercede, which allowed PSCs to begin filling the void left by the power vacuum.¹² The most publicly visible examples of modern PSC activity have been in Africa, where the South African firm Executive Outcomes (EO) participated in low-intensity conflicts in Angola and Sierra Leone. In both countries, EO "openly engaged in battles and introduced modern weaponry and tactics with devastating effects...EO's superior technology, skill and collective experience proved crucial in forcing the rebel movements in each country to negotiate respective settlements and in restoring social order."¹³

Another high profile incident involved the British based PSC, Sandline International, which became embroiled in what is now known as "The Sandline Affair." In mid 1994, the Papua New Guinea government (PNG) of Sir Julius Chan signed a \$36 million contract with the PSC Sandline International, headed by Tim Spicer, to provide mercenaries and military equipment to conduct military operations against separatists on the island of Bougainville. When the details of the deal were publicly exposed, Mr. Chan

¹²David Isenberg, "A Government in Search of Cover," British American Security Information Council, online study, URL:< <http://www.basicint.org/pubs/Papers/pmcs0603.htm>>, accessed 13 December 2005.

¹³Juan Carlos Zarate, "The Emergence of a New Dog of War: Private International Security Companies, International Law, and the New World Disorder," *Stanford Journal of International Law* 34, No. 75 (1998): 104.

was forced to resign after PNG troops mutinied over the presence of foreigners, sparking demonstrations in the capital, Port Moresby.¹⁴

While both of these incidents are perhaps the most notorious cases involving the use of PSCs in the African continent, they are certainly not isolated occurrences. Africa, because of endemic poverty, failed and near-failed states and a history of civil and tribal conflict, has been a fertile ground for the PSC industry. For example, in Angola, more than 80 firms offering military services have participated in the conflict in one way or another.¹⁵ PSCs have also been present in the war in the Democratic Republic of Congo, the war between Eritrea and Ethiopia, and have also played a role in Sudan, Ivory Coast, Kenya, Uganda, Liberia, Ivory Coast, Cameroon, Nigeria, Equatorial Guinea, the Congo-Brazzaville and Mozambique.¹⁶

Africa is not the only continent where PSCs have found business opportunities. One of the most well-known examples of a post-cold war PSC "success story" was the training of the Croatian military by the U.S firm Military Professional Resources Incorporated (MPRI). With the declaration of Croatian independence in 1992 and the subsequent war that erupted in Bosnia-Herzegovina, the ground was fertile for outside intervention as Serbs, Croats and Muslims engaged in a bitter conflict to determine longstanding claims of sovereignty and independence. As the conflict raged the Serbs, supported by the Yugoslav Army soon gained the upper hand over the Croatian and

¹⁴"Asia-Pacific PNG pays up to mercenaries," British Broadcasting Company, 01 May 1999, URL:< <http://news.bbc.co.uk/1/hi/world/asia-pacific/333234.stm>>, accessed 13 February 2006.

¹⁵Singer, 11.

¹⁶Singer, 11.

Bosnian forces, which consisted mostly of paramilitaries, militias and local police forces.¹⁷ “In March of 1994, Croatian Defense Minister Gojko Susak sent a letter to the U.S. Deputy Secretary of Defense requesting permission to negotiate with MPRI to obtain U.S. training, ‘in military-civilian relations, program and budget’ for its military leaders.¹⁸ MPRI is PSC based in Northern Virginia and is staffed with former U.S. military field, staff and general officers. MPRI “serves international security, military, and law enforcement customers, which enable nation-building and reform, and provide expertise in civil/military functions within the framework of emerging democracies.”¹⁹

In August of 1995 the Croatians launched a surprise attack on Serbian forces that was described by a journalist as “a textbook operation—a NATO textbook, and whoever planned the offensive would have received an ‘A-Plus’ in NATO war college.”²⁰ The Croatians overwhelmed the Serbs in what was considered to be a U.S.-style attack, and by November of 1995, the Croatians had regained all but 4 percent of their land back from the Serbs and also found themselves in possession of 20 percent of Bosnia as well.²¹ Although it does not appear that the members of MPRI participated directly in Croat operations, it was readily apparent that the expertise and training provided to the Croatians had effectively shifted the balance of power in the war.

¹⁷Singer, 4.

¹⁸Zarate, Juan Carlos, 104.

¹⁹Military Professionals Resources Incorporated, “*Products and services*,” Web-only report, 2006, URL:<www.mpri.com/>, accessed 24 February 2006.

²⁰Singer, 5.

²¹Zarate, 106.

ISSUES SURROUNDING THE USE OF PSCs

Policy

The use of PSCs by state and non-state actors is not without its share of risks and controversy. The MPRI case is an example of the effectiveness of PSCs and illustrates the allure of contracting PSC services in the high-stakes games of armed conflict and intervention. When discussing the benefits and costs of PSCs, the first issue that is called into question is the legitimacy of a private enterprise's authority to execute violence. One of the defining characteristics of a state is its "monopoly on the legitimate means of violence, including the sanctioning, control and use of force."²² The utilization of PSCs to conduct security and military services "challenges conventional assumptions about the roles of the nation state as the main protagonist in military affairs and as the guarantor of physical security for its citizens."²³ The principal concern is that in the larger scope of international law and security, the use of PSCs does not improve public security, but rather that "the market for force created by increased reliance on PSCs weakens the foundations of public security."²⁴ Moreover, as Anna Leandes argues in *The Market for Force and Public Security: The Destabilizing Consequences of Private Military*

²²Max Weber, *The Theory of Social and Economic Organization*, (New York: Free Press, 1964), 154.

²³Caroline Holmqvist, *Private Security Companies: The Case for Regulation*, SIPRI Policy Paper, No. 9, (January 2005): 1.

²⁴Anna Leandes, "The Market for Force and Public Security: the Destabilizing Consequences of Private Military Companies," *Journal of Peace and Research* 42, No. 5, (2005): 606.

Companies, “in the market for force, supply creates its own demand,”²⁵ which leads to self-perpetuating conditions that allow exploitation by PSCs.

For citizens of the United States, the use of PSCs encompasses the issue of governmental accountability, because contracting PSCs allows the government to conduct “foreign policy by proxy,” with plausible deniability. This appears to be the case with the U.S.-sanctioned use of MPRI in Bosnia, as well as the well-documented use of DynCorp contractors to support counter-narcotics operations in South America and Afghanistan.²⁶ Sending armed contractors instead of the military to foreign lands in furtherance of U.S. foreign policy allows the government to avoid the “inconvenience” of having to seek and legislative approval for its policies. The hiring of contractors to avoid accountability is a slippery slope towards constitutional illegality, as was illustrated by the Central Intelligence Agency’s use of Southern Air Transport, “hired to make covert air-drops to the contras in Nicaragua,”²⁷ which subsequently led to the Iran-contra investigation and an outcry for the impeachment of President Reagan.

Legal

Closely related to the subject of the accountability of PSCs is the issue of legality. To whom is a PSC accountable if a violation of the law occurs? Or in the case of the current conflict in Iraq, what happens when the legitimate host government does not have the means to hold PSCs accountable? The legal status of PSCs in Iraq will be

²⁵Leandes, 612.

²⁶Silversteen, 150.

²⁷Silversteen, 148.

covered in greater detail in Chapter III. For the purpose of this discussion it should be noted that the legal status of PSCs within the international community is ambiguous at best. At the very center of the legal uncertainties is the inability of the international community to reach an agreement on the legal status of a privately contracted individual conducting security or paramilitary operations in a foreign country, and whether or not the individual falls within the Geneva Convention. This absence of legal clarity lends itself to a lack of accountability that once again has a direct moral implication for all entities involved in the hiring of PSCs. The immediate question that arises is where do victims seek justice if they are wronged by a rogue contractor or a contractor operating outside the scope of its mandate?

Within the PSC community the issue of accountability has drawn considerable attention because PSCs recognize the potential harm that could be done to their thin veil of legitimacy should another Abu-Ghraib-like incident occur in a third country. Many in the industry advocate a self-policing mechanism to be established to weed out the bad actors. The International Peace Operations Association (IPOA), a security industry organization whose mission “is to promote high standards in the peace and stability industry,”²⁸ has published a Code of Ethics that companies uphold as a means of self-regulation. The IPOA Code of Ethics addresses issues such as “human rights, safety, rules of engagement, insurance and ethics,”²⁹ but does little in the way of providing a solid means of control or a regulatory framework for the PSC industry. In the end, the IPOA code is a voluntary measure with no means of enforcement for those companies

²⁸IPOA, Mission Statement [International Peace Operations Association], URL:< <http://www.ipoaonline.org/conduct/>>, accessed on 15 March 2006.

²⁹IPOA, Mission Statement 2006.

uncommitted to the IPOA cause. To date, the government has failed to adequately address the issue of regulating PSCs. The onus should be squarely on the government, not on PSCs (who are simply filling a market demand) to implement industry standards and a code of conduct that would govern the actions PSCs.

Cost and Operational Impact

A major concern of the increased privatization of military skills is the actual cost of hiring contractors to provide services that were traditionally done by military personnel, or in the case of DOS, services provided by DSS Special Agents. There is a general concern that the use of PSCs by the government is not cost effective, which is probably driven by media accounts of lucrative contract awards and reports of contract personnel earning up to \$1,000 a day in Iraq. The cost argument can be viewed in both the short and long term, each reaching opposite conclusions. Cost is dependant on multiple variables, length of contract, nationality of contract personnel, type of contract (firm fixed price vs. cost plus) and market demand. For example, K.B.R. with a ten-year, multibillion-dollar contract to provide the military with "logistical support"; provides laundry services, cleans offices, constructs base camps, maintains roads, and provides communication systems.³⁰ It remains to be seen weather or not the KBR will be cost effective, as the cost of the contract is ultimately dependant on the duration that U.S. forces will be in Iraq.

³⁰James Surowiecki, "The Financial Page, Army, Inc.," *The New Yorker Magazine*, online ed., Issue 2004-01-12, Posted 5 January 2004, URL: http://www.newyorker.com/talk/content/articles/040112ta_talk_surowiecki, accessed 14 March 2006.

The same economic argument applies to DOS' use of PSCs in non-permissive environments. Contracting Private Security Specialists for short periods of time, normally at six month to one year increments, utilizing a contract vehicle that can be canceled at the government's convenience, is much more cost effective than having to hire, train, and deploy full time government agents, who require at least 20 years of benefits and salary. The utility in hiring contractors is that when the security environment becomes more permissive, the contractors will be replaced by local nationals, or other contractors who are far more cost effective.

Another issue particular to DOD and its increasing reliance on contractors in non-permissive environments, is the lack of an immediate ready reserve should the need arise. Traditionally, every soldier or marine has been trained in basic infantry skills and has the core knowledge to take the fight to the enemy. Not so with contractors. In the past, if needed, cooks, administrative personnel, mechanics and other combat support elements could be activated to augment combat forces in the case of an emergency. The military's increased reliance on contractors ultimately decreases its ability to respond to a critical situation in a combat theater, because it decreases the number of soldiers in theater.

Closely related to the problem of decreased military effectiveness, and one that also affects DOS, is the issue of contractor reliability. In short, a soldier, airman, sailor or marine cannot walk off the job when the situation becomes too dangerous, or they feel that they are not being adequately compensated. Military training, culture and law usually prevent such activity. This is certainly not the case for private contractors who are not subject to the same set of incentives and penalties if they choose to quit working. In Iraq, as the insurgency continued to grow in the summer of 2003, there were reports that

supply was inadequate because civilian contractors failed to show up.³¹ More recently, hundreds of British security guards in Iraq threatened to resign en masse over a pay dispute that could have crippled operations at diplomatic missions and put the safety of officials at risk.³² While these two cases may be isolated incidents, they do demonstrate a potential problem relating to the outsourcing of military and government operations.

Yet, despite questions about the PSC industry's legitimacy, authority, cost, and reliability, the PSC industry (and outsourcing in general) is on the rise, precisely because PSCs offer a state, or other actor, an alternative means to achieve its objectives. Doug Brooks, President of the International Peace Operations Association (a PSC lobbying group) sums it up concisely: "Write a check and end a war."³³ The IPOA is a strong advocate for the deployment of PSCs to troubled areas to prevent genocide and to conduct stability and reconstruction operations. "What we've seen is the West has largely abrogated any responsibility to put their own people on the ground in places they don't care about, It's willing to authorize these missions, but it's not willing to put boots on the ground. The private sector can step in. It can fill that gap."³⁴

As discussed, the use of privately contracted soldiers is not a new phenomenon and is directly related to the mercenaries who offered their skills and weapons to paying

³¹Deborah Avant, "Private Military Companies and the Future of War," Foreign Policy Research Institute, online ed., April 2006. URL:<<http://www.fpri.org/enotes/200604.military.avant.privatemilitarycompanies.html>>, accessed 20 May 2006.

³²"*Diplomatic Guards May Quit in Baghdad Pay Row*," The World Times, 27 May 2006, URL:< <http://www.timesonline.co.uk/article/0,,7374-2199304,00.html>>, accessed on 27 May 2006.

³³Douglas Brooks, quoted in Anna Leander, "The Market for Force and Public Security: the Destabilizing Consequences of Private Military Companies," *Journal of Peace and Research* 42, No. 5, (2005): 610.

³⁴Douglas Brooks, quoted in Frank Langfitt, "Military Firm Pitches Services in Darfor," National Public Radio, 26 May 2006, online article, URL:<<http://www.npr.org/templates/story/story.php?storyId=5433902>>, accessed 26 May 2006.

clients. The re-branded "Private Security Firms" offer the same array of military services that their mercenary predecessors did, but in the modern era these firms have Washington lobbyists working for boards of directors that are staffed with retired military officers and are connected to both the public and private sectors. While controversial, there is no doubt that PSCs play a vital role in the conduct of U.S. foreign policy, which is evident by DOS' increasing use of PSCs in daily security operations. The following chapter will discuss the evolution of Diplomatic Security's High Threat Protection Program and expanding role of PSCs in the protection of DOS personnel.

CHAPTER 3

DIPLOMATIC SECURITY HIGH THREAT PROTECTION

THE ROLE OF DIPLOMATIC SECURITY

The Department of State's law enforcement Resource, the Bureau of Diplomatic Security, has been charged with the mission of providing security for DOS since 1916, when it was originally called the Office of Chief Special Agent. It later evolved into the Office of Security, and was responsible for conducting special investigations for the Secretary of State, as well as protecting distinguished visitors to the United States. As the number of terrorist attacks against U.S diplomatic missions abroad began to substantially increase in the early 1980's, the Bureau of Diplomatic Security and Diplomatic Security Service were created in 1985 to bolster security programs for DOS.

Today, DS protects the lives of embassy employees and their families overseas, safeguards national security information, and conducts criminal investigations for visa and passport fraud and personnel investigations. DS also performs additional security and law enforcement duties when deemed in the interest of U.S. foreign policy, such as providing security training and technical assistance to foreign governments. Most recently, DS has undertaken a new mission: the protection of certain designated foreign heads of state and dignitaries, such as the President of Haiti, President Karzai of Afghanistan, members of the Iraqi Government and other dignitaries as directed by the President or Secretary of State. In order to successfully carry out this expanded mission,

DS has come to rely upon the use of PSCs as a means of supplementing its high threat protective operations.³⁵

Background of DS and PSCs

Because of the potential for injury, loss of life or politically harmful events, the conduct of personal protective operations abroad is a sensitive issue within the Department of State and is indicative of the inherent clash of cultures between DOS and DS. Security has always been a source of contention between DS and DOS, as the goals of diplomats and security officers are almost divergent; diplomats work toward building bridges and security officers toward building walls. Effective diplomacy normally requires freedom of movement and access to host country officials, regardless of where they are located. The RSO, who is charged with the protection of the embassy, diplomats and classified information, views freedom of movement and unrestricted access as potential security risks; it is within this contentious environment that PSDs are conducted.

DS Protective security details overseas have historically been limited because of potential liability and political cost that DOS may incur if there is an incident involving the use of weapons or force. Such an international incident involving the use of firearms in a foreign country could be a source of embarrassment to the USG and a distraction to the Ambassador, who may be forced to expend valuable political capital in resolving the incident and repairing damaged credibility.

³⁵U.S. Department of State, "About Diplomatic Security," Web-only report, October 2005, URL:<www.state.gov/m/ds/, accessed 18 October 2005.

Despite the precarious nature of using contract PSCs, DOS currently employs PSCs to conduct three very distinct missions for the Department: protecting American personnel and diplomatic facilities domestically and abroad, assisting in the training of foreign police forces, and assisting foreign governments in conducting counter-narcotics operations. Each of these missions is managed individually, with separate program managers, separate standards of operating procedures and separate funding and budgets from within DOS.

International Narcotics and Law Enforcement

Perhaps the least known of DOS bureaus that utilize PSCs is the Bureau for International Narcotics and Law Enforcement Affairs (INL), which has a two-fold mission: (1) "to reduce the entry of illegal drugs into the United States; and (2) to minimize the impact of international crime on the United States and its citizens."³⁶ To support these missions, DOS contracts with a PSC, currently DynCorp, which implements requirements provided by the State Department to recruit, select, equip, and deploy police from all over the country to perform typical law enforcement functions (patrol, investigation, etc.) in the absence of adequate professional indigenous police forces. In other cases, CIVPOL may be responsible for restructuring, monitoring, and/or advising local police who are making the transition to democratic policing. They also may be directly involved in the training and development of local police.³⁷

³⁶U.S. Department of State, "Bureau for International Narcotics and Law Enforcement Affairs," Web-only report, URL:< www.state.gov/p/inl/>, accessed 5 June 2006.

³⁷U.S. Department of State, "U.S. and International Civilian Policing [CIVPOL]," Web-only report, June 2006, URL:<www.state.gov/p/inl/rls/fs/16552.htm>, accessed 5 June 2006.

Office of Antiterrorism Assistance

Another office within DOS that relies heavily upon the use of PSCs is the DS Office of Antiterrorism Assistance (ATA). The ATA mission is to train civilian security and law enforcement personnel from friendly governments in police procedures that deal with terrorism. DS personnel work with the host country's government and a team from that country's U.S. mission to develop the most effective means of training for bomb detection, crime scene investigation, airport and building security, maritime protections, and VIP protection. Since 1983, ATA has trained and assisted over 48,000 foreign security and law enforcement officials from 141 countries, utilizing ATA training experts as well as those from other U.S. federal, state, and local law enforcement agencies, police associations, and private security firms and consultants.³⁸

Office of Overseas Protective Operations

The largest program in the DS management portfolio is the Office of Overseas Protective Operations (OPO), which provides security for 57,000 U.S. Government personnel, staff, and dependents who work and live at approximately 260 embassies, consulates, and other missions overseas.³⁹ Security at an embassy is coordinated by a DS Special Agent who holds the position of Regional Security Officer (RSO), who develops and implements the various aspects of a comprehensive security program designed to protect personnel, property, and information against terrorists, foreign intelligence agents,

³⁸U.S. Department of State, "Office of Antiterrorism Assistance [ATA]," Web-only report, June 2006, URL:<www.state.gov/m/ds/terrorism/c8583.htm>, accessed 5 June 2006.

³⁹Star remarks, 12 May 2005.

and criminals.⁴⁰ As the security advisor to the Ambassador, the RSO coordinates all aspects of a mission's security program, to include the Marine Security Guards, U.S. Navy Seabees, local and cleared American guards, local investigators, and security engineering officers, and host government officials.⁴¹ It is the RSO that has the daily operational oversight of OPO's high threat personal security details, which provide personal protection for American diplomats and other dignitaries as directed by the Ambassador.

DS HTP Structure

The DS Office of High Threat Protection currently has a pool of three PSCs which it can draw from to provide Protective Security Details (PSDs) when the need arises. These three companies, Blackwater USA, Triple Canopy and DynCorp, were selected as the result of a standard contracting competitive bid process. These companies then compete amongst themselves for the various DS HTP contracts that become available, usually as a result of a U.S. Executive policy. Currently HTP is responsible for providing security services for eight different White House initiatives in Iraq, Afghanistan, Gaza, West Bank, Bosnia and Haiti.⁴²

The HTP PSCs are administered by a DOS Contracting Officer, DS HTP Program Manager, a DS Contracting Officer's Representative (COR) and receive oversight from a

⁴⁰U.S. Department of State, "Diplomatic Security, RSO," Web-only report, September 2005, URL:<www.state.gov/m/ds/protection/c8756.htm#rso>, accessed 9 September 2005.

⁴¹Diplomatic Security "RSO website,"2005.

(b)(6), Security Service Program Officer, High Threat Protection Division, e-mail to author, subject: "Re. your questions." 26 February 2006. Hereafter cited as (b)(6) e-mail.

RSO as needed. The overreaching mechanism for regulating the PSCs is the DS Worldwide Personal Protection Services (WPPS) contracting guidelines, which details contact performance as required by DS. WPPS provides precise guidance and critical skills, personal conduct, rules of engagement, administrative functions and contract Statements of Work (SOW). These uniform standards are contractually required and must be complied with in to receive full payment on an awarded contract. WPPS standards encompass the functions that are essential in the conduct of PSD operations: hiring standards, personnel vetting (to include criminal background checks), training standards in weapons, and tactics. Because WPPS is a legally binding contract instrument, if a PSC fails to meet its contractual obligations, it can be found “non-compliant” and risks losing millions of dollars in contract revenue. DS has found this “economic incentive” to be the most efficient mechanism to regulate and control its contract PSCs.⁴³

PSD Staffing

HTP Personal security details (PSDs) are staffed by DS Agents and contracted Personal Security Specialists. A PSS, commonly referred to as a “bodyguard,” is a person who protects someone (known as the principal) from personal assault, kidnapping, assassination or other threats. A DOS PSD is normally a team comprised of 14 individual PSS; which functions on a small unit level, based loosely on a traditional Special Forces “A-Team” model. The composition of a standard DS HTP PSD is as follows:⁴⁴

(b)(6) Security Program Officer, Triumph Technologies, Inc, U.S. Department of State, Bureau of Diplomatic Security, interviewed by author 3 March 2006.

⁴⁴U.S. Department of State, “Worldwide Personal Protection Services Equipment Fact Sheet,” Diplomatic Security Service High Threat Protection Division, 3 March 2006.

Protective Security Detail Manning:

1 Shift Leader
10 Personal Security Specialists (PSS)
1 PSS cross trained Medic EMT-1 (PSS/EMT-1)
2 PSS Dedicated Defensive Marksman (PSS/DDM)

Protective Security Detail Support Elements:

K-9 Explosive Dog Handlers (EDD)
Quick Reaction Force QRF
Counter Assault Team C

Protective Security Detail Administrative Support:

Project Manager (PM)
Deputy Project Manager (DPM)
Detail Leader (DL)
Deputy Detail Leader (DDL)
PSS qualified (dual function) firearms instructor
Admin logistics specialist (ALSS)
Operations Support Specialist (OSS)
Intelligence Analyst (IA)
Armorer
Vehicle Mechanic and
Field Service Technician (FST) (Communications and technical equipment)

Protective Security Detail Weapons Issue:

(Based on the DS model and mission dependant)

M4 Rifle
Glock19 Pistol
M203 Rifle Grande Launcher
SAW (M249 Light Machine Gun)
M240 (Medium Machine Gun)
M24 Precision Rifle (DDM)
SR25 Precision Rifle (DDM)

A HTP PSS may receive specialized training in intelligence, communications/communications protection, threat/vulnerability /risk assessment, route analysis, and design and operation of physical security measures. A PSS must be able to work closely with U.S. and foreign military units, foreign law enforcement and government officials to ensure the availability of additional security assets, such as specialists in explosives and

chemical detection, crowd screening and control, special weapons, armor, hostage negotiation, surveillance, and technical countermeasures. At the senior levels, the PSS is responsible for drafting comprehensive operational security plans, staffing plans and budgets.⁴⁵

Department of State HTP Operations Model

The mission of conducting security operations is primarily a defensive undertaking and therefore tends to be reactive in nature. Diplomatic Security is a reactive organization as well. History has demonstrated that it is virtually impossible to plan for an unimagined or unanticipated event. Security professionals attempt to mitigate the element of unpredictability through risk assessment, risk management and emergency preparedness. It is within this area of uncertainty that DOS and DS have developed a working operations model to provide the required security assets needed to fulfill the nation's foreign policy objectives.

The DOS security operations model normally begins with the occurrence of an unforeseen world event, such as a coup or civil unrest in a country in which the U.S has a national interest (for purposes of illustration: "Country X"). Once an event occurs, the President will make an executive decision to exercise a particular foreign policy initiative concerning "Country X," and then give his request to the Secretary of State. The Secretary of State, in turn, hands the executive decision down to senior State Department political officers and policy managers, who determine a particular course of action that will be required of DOS to meet the President's stated objective. For example, DOS may

(b)(6) Security Contract Officer, Diplomatic Security Service, High Threat Protection Division, interviewed by author, 3 March 2006.

decided it is necessary provide additional personal protection to a threatened foreign head of state, or provide training and assistance to the police and security services of a beleaguered ally.⁴⁶

If the DOS policy has security implications or requirements, the Bureau of Diplomatic Security is then directly tasked to carry out the orders of the President and Secretary of State. Once the DOS initiative reaches DS, it is then passed to the Office of Overseas Protection Operations, where DS managers coordinate with the Regional Security Officer on the ground of "Country X," and DOS foreign service officers (FSOs) to determine mission requirements. If it is decided that a High Threat Protection mission is needed, the following process is initiated.⁴⁷

First, DS will launch a team from the Mobile Security Division (MSD) to "Country X," to assist the RSO with the ongoing security operations. A MSD team is comprised of highly skilled DS special agents assigned to the Office of Mobile Security, who are available for deployment worldwide, to respond to security emergencies, augment DS protective details under a specific threat, as well as provide specialized counterterrorism and personal security training at U.S. Missions.⁴⁸

Mobile tactical support teams are available for emergency security support to posts abroad during periods of high threat, crisis, or natural disaster. With less than 24-hours notice, a MSD teams can be dispatched to protect official Americans and provide additional security in high threat areas. MSD teams have been on the ground in Kabul

(b)(6) interview.
(b)(6) interview.

⁴⁸U.S. Department of State, "Mobile Tactical Support Teams," Web-only report, URL:<www.state.gov/m/ds/terrorism/c8652.htm>, accessed 18 October 2005.

and Jerusalem continuously since 2002. Teams have also escorted special White House envoys to Afghanistan, Iraq and negotiators to the Middle East.⁴⁹

Once an MSD team arrives in "Country X," it will conduct a security survey and determine HTP requirements. The team itself may begin conducting HTP operations, or may conduct training of the host country's security services. MSD teams are designed to be a short-term measure to be utilized until a more permanent security solution can be established, such as the assumption of security duties by the host nation or the arrival of a DS PSC. DS may also decide to establish an Anti-Terrorism Training (ATA) mission, which also utilizes PSCs, to assist in the training and mentoring of "Country X's" military, police and security services, as necessary. While the ATA mission is separate from that of HTP, coordination between ATA, HTP, MSD and the RSO is essential for mission effectiveness.⁵⁰

If it is determined that there is a need for a longer term HTP commitment, and the size and scope of the mission is resolved, DS will issue a solicitation for bids to its pool of WPPS PSCs, who will in turn submit a contract proposal to DS for evaluation. DS will then select and award the contract based on the merits of the proposals that were submitted. Factors considered are cost, past performance, and contractor ability to meet work requirements enumerated in the contract solicitation's Statement of Work (SOW).

Once the contract is awarded and the PSC is deployed to "Country X," MSD and the PSC will begin a transition period, with the PSC ultimately relieving MSD of its duties. The MSD team will return to the U.S. or redeploy on another mission. The PSC will

⁴⁹Mobile Tactical Support Teams, 2006.

⁵⁰Mobile Tactical Support Teams, 2006.

continue its operations under the guidance of the RSO and the contract is administered by DS in Washington through the Office of HTP.⁵¹

DIPLOMATIC SECURITY – PSC COST/BENEFIT ANALYSIS

According to the DOS Contractor Protective Security Specialist Fact Sheet, a DS internal briefing paper, the use of PSCs is advantageous for the Department for the following reasons:

Stability for DS Special Agent Force

Using PSCs allows for operational stability of the DS Special Agents. DS has approximately 1400 special agents that provide a wide range of protective services for the U.S. Secretary of State. Using PSS contractors for these short notice personal security protection requirements allows DSS agents to focus on their core responsibilities that are required as a result of the Diplomatic Security Act and US law.⁵²

Rapid Deployment

Another advantage of using PSCs is the speed with which a PSS contractor can be “recruited, vetted, hired, trained and deployed in approximately 60 - 90 days, compared

(b)(6) interview.

⁵²U.S. Department of State, Bureau of Diplomatic Security, High Threat Protection Division, *Contractor Protective Security Specialist Fact Sheet, 2006*. Cited hereafter as Contractor fact sheet.

to two years for a DSS agent.”⁵³ A PSS candidate is hired based upon the skills, experience and expertise required to carry out unique protective missions. Contracting a PSS who already possess the necessary skills allows for a rapid turnaround time between recruitment and deployment should the need arise.

Surge Capacity/Force Multiplier

The use of PSSs allows DOS the flexibility to rapidly expand or reduce the level of security personnel deployed based on changing mission requirements. In effect, PSSs are a “Force Multiplier” that provide DS with the “surge” capability to rapidly deploy a highly trained security force into a region to support ad hoc security missions. This element is essential because DS does not have a large enough Agent cadre to staff required DOS security operations- HTP division is responsible for over 1500 PSSs-which is more then DS has Agents.⁵⁴

Cost

Using PSS to conduct DS security operations is cost effective for DOS. The DS HTP model is designed to supplement DS security requirements on a temporary basis. The duration of a typical DS HTP contract is a one year, with an option to renew. When the mission is completed, the contract is terminated and the PSSs are released with no further cost to DS. There is no long term requirement to pay for administrative overhead,

⁵³Contractor fact sheet.

⁵⁴Contractor fact sheet.

salaries, benefit packages or reassignment and training costs, all of which must be remunerated when utilizing DS Agents.⁵⁵

Diplomatic Security High Threat Protection Operations

Traditionally, DOS security details abroad were conducted by the RSO and other temporarily assigned DS Agents, in conjunction with U.S. military Special Operations personnel, and host country police and military services. These PSDs were restricted to protecting the Ambassador, U.S diplomats or other visiting U.S dignitaries. In the 1980's DS provided PSDs to Ambassadors in Lebanon, El Salvador, Honduras and Columbia, Guatemala and Peru, as well as training to host country forces.⁵⁶ As real world events such as car bombings, kidnappings and assassinations have increasingly targeted U.S diplomats, it has also led to an expansion of the DS mission. A direct result of these new world realities was the creation of the DS HTP, which can trace its roots back to 1994, when DS third country protective operations were directed from a small office within the Office of Overseas Programs.

Haiti

In 1994, DOS was directed by President Clinton to provide personal protection for the President of Haiti, John-Bertrand Aristide,⁵⁷ which was a milestone for DS for two reasons: first, because it was the first time that DS Agents were authorized to provide personal security for a foreign head of state outside the U.S., which previously had not

⁵⁵Contractor fact sheet.

(b)(6) interview.

interview.

been within the scope of the DS mission; second, it was the first time that DS has used a PSC to help staff and coordinate the protection of a foreign head of state.⁵⁸

The original DS/Haitian contract was awarded to the private security company MVM, Inc., for the amount of \$850,000 to \$1.95 million, contingent upon the duration of the contract. The contract was for 20 to 25 security specialists, and the expectation was that it would last for approximately three months, with the understanding that it could be extended for a few more additional months, until the Haitian government was able to field its own cadre of PSSs.⁵⁹ The MVM contract was funded by U.S. Agency for International Development (USAID) through foreign assistance funds, which were transferred to DOS for disbursement. In addition to providing security to President Aristide, DS and MVM were to provide protective security training to a group of 53 Haitians that were to make up the protective security detail for President Aristide.⁶⁰ The DS/Haitian protection program is still in existence as of this writing, however the contract has subsequently been re-awarded to the PSC DynCorp, and subsequently to another company in May 2006.

Bosnia

In 1995 DS was called upon to provide protective security details for the dignitaries seconded to the Organization for Security and Co-operation in Europe

⁵⁸Contractor fact sheet.

⁵⁹(b)(6) interview.

⁶⁰Christine Shelly, U.S. Department of State Office of the Spokesperson, "Daily Press Briefing," briefing presented at the State Department, Washington, DC, 14 October 1994, URL:< http://dosfan.lib.uic.edu/ERC/briefing/daily_briefings/1994/9410/941014db.html>, accessed 15 December 2005.

(OSCE) serving in Bosnia under the auspices of the Dayton Peace Accords. The contract was awarded to the U.S. firm DynCorp, a PSC that had been operating in theater providing security and training for the United Nations.⁶¹ Because of the success that DS had with the use of PSCs in Haiti and Bosnia, DOS came to rely on the DS/PSC concept more frequently, as a fast and convenient solutions for national security diplomatic initiatives and the growing need to pragmatically address politically-driven security problems. Haiti and Bosnia led to the expansion of the DS protection mission, and caused DS to grow from a relatively small departmental security office, to a multi-billion dollar worldwide enterprise.⁶² They were also the origin of the outsourcing of protective operations by DOS for personal security and the model for future DS HTP operations.

Gaza

This expansion of the DS protection program led DS agents and the PSC DynCorp to Israel and the Gaza Strip in 2003, in support of President Bush's "Roadmap to Peace" initiative. DS Agents and DynCorp PSS employees conducted personal security operations for U.S. Officials serving as Special Negotiators for the Middle East peace talks and related ongoing initiatives. This time however, the DS HTP program was dealt a serious blow, when a remote-controlled Improvised Explosive Device (IED) exploded

⁶¹(b)(6) interview.

⁶²Star, remarks.

under a U.S. diplomatic convoy and ripped apart a Fully Armored Vehicle (FAV), killing three DynCorp employees and wounding one other American.⁶³

While the Gaza attack momentarily highlighted the DS/PSC relationship in the international media, it did not have an adverse or chilling effect on the use of PSCs by DOS. In fact, at the subsequent press briefing by State Department Spokesman Richard Boucher, the attack seemed to have a bonding effect between DOS and the PSC employees. In a response to a question concerning the nature of the DynCorp and its relationship to the U.S Embassy, Mr. Boucher replied "I want to make absolutely clear: they're part of the Embassy team. They were part of our mission out there. They were fully part of the team that does this all the time; that works for us, with us, as part of our Embassy. They were contractors on a contract from DynCorp, but these are people. They're not some outsiders; they were part of the Embassy and part of the team."⁶⁴

Afghanistan

As the DOS/PSC relationship continued to solidify in the 1990s, radical Islam was also gaining momentum, ultimately setting the stage for the largest expansion in the history of the DS High Threat Protection Program. Following the attacks on the Pentagon and the World Trade Center on 11 September 2002, the Diplomatic Security High Threat Protection Program was called upon to carry out the highest profile mission since its

⁶³"*Bush Blames Palestinian Authorities for Gaza Attack*," NewsMax.com, 15 October 2003, URL:< www.newsmax.com/archives/articles/2003/10/15/145640.shtml>, accessed 13 January 2006.

⁶⁴Boucher, Richard, "State Department daily brief," Briefing presented at State Department, Washington, DC, 15 October 2003. URL:<www.globalsecurity.org/military/library/news2003/10/mil-031015-usia01.htm>, accessed 13 January 2006.

creation, the protection of Hamid Karzai, the President of Afghanistan. Because of the unstable security situation in Afghanistan, the U.S. military provided Interim President Karzai with a protective detail that was comprised of members of the U.S. Special Forces community, a team of 60 U.S. troops who took over his personal security after the assassination of Vice President Abdul Qadir in Kabul on July 6.⁶⁵ The decision to retain U.S. Soldiers and Navy SEALs for Karzai was based on the higher level of protection that the Americans provided, which was evident when KPD shot and killed a gunman who had fired upon Karzai's motorcade while he was attending a wedding in Kandahar.⁶⁶

In November of 2002, the DOS announced that DS would be assuming the responsibility for the protection of President Karzai. The Karzai protective detail (KPD) would follow the same model as Haiti and Gaza: a PSD with a DS Agent acting as the lead Agent, and a contracted team of PSSs, supplemented with local nationals. The initial contract was awarded to DynCorp, which staffed the original KPD former members of the U.S. Special Forces community. The KPD model of high threat protection was the template for the HTP/ PSC operations used in Iraq.

⁶⁵*U.S. Department of State to Protect Karzi*, DAWN, Pakistan's English Newspaper, 25 August, 2002, URL:<<http://www.dawn.com/2002/08/25/int6.htm>>, accessed 13 January 2006.

⁶⁶Edmond Roy, "Karzi Unscathed after Assassination attempt," ABC News, 9 July 2002, URL:<www.abc.net.au/lateline/stories/s669661.htm>, accessed 13 January 2006.

CHAPTER 4

DIPLOMATIC SECURITY: IRAQ

BACKGROUND: THE COALITION PROVISIONAL AUTHORITY

On 20 March 2003, the United States began offensive operations to remove Saddam Hussein from power and on 01 May 2003, having easily defeated the Iraqi Army, President Bush announced an end to major combat operations in Iraq. During that period, DOD established the Coalition Provisional Authority (CPA), headed by Ambassador Paul Bremer. The CPA had a twofold mission: to govern Iraq until sovereignty could be transferred to a yet-to-be established Iraqi government, and to oversee humanitarian and reconstruction operations throughout Iraq. Comprised of military and civilian personnel from the U.S.-led Coalition, the CPA included members of the DOS, assigned to advise and assist in the Iraqi reconstruction efforts.⁶⁷

With the arrival of CPA staff in Baghdad, the U.S. efforts turned to the task of reconstructing the Iraqi government and the country's war-torn infrastructure. During this initial period of civil/military operations, there was relative calm throughout most of the country, with sporadic fighting occurring between coalition forces and various insurgent groups. The overall security posture was relatively subdued, despite ongoing DOD combat operations. At that time, most of the civilian personnel responsible for reconstruction operations on the ground were driving un-armored vehicles, wore no

⁶⁷Coalition Provisional Authority, "Homepage of the New Iraq," Web-only information, January 2006. URL:<<http://www.cpa-iraq.org/>>, accessed 3 January 2006.

body-armor and were using a minimum number of the personnel to staff protective security details; all this would change as the Iraqi insurgency began to gain momentum.⁶⁸

By mid- 2003, the insurgency had dealt reconstruction efforts a severe blow, as insurgents shrewdly exploited the failing security situation with kidnappings, car bombs and videotapes of beheadings. As a result, public works project ground to a near-halt and CPA personnel found themselves increasingly confined to a five mile strip of land in Baghdad known as the "Green Zone. It was within this environment that the floodgates began to open for the private security industry; PSCs poured in to Iraq, reaping tremendous profits by filling a security void created by too few coalition troops on the ground and a growing sense of insecurity.

The total number of PSCs operating in Iraq is not known. In response to a request from Congress, a CPA-compiled report lists "60 PSCs with an aggregate total of 20,000 personnel" to include U.S citizens, third-country nationals and Iraqis."⁶⁹ The exact number is unknown because there was no accurate way to register and track all of the PSCs who had slipped into theater to provide static guard forces, convoy escorts and PSDs for the civilian contractors, the U.S. Government and the DOS. This influx of armed civilian contractors created a host of problems for Coalition forces, the CPA and the people of Iraq. Even for the Department of State, which had plenty of experience working with PSCs in the past, the sheer magnitude of the Iraq mission would present challenges that had not yet been encountered in the past.

(b)(6) Project Manager, Aegis Defense Services Limited, posted in Iraq October 2003 to June 2005, telephone interview by the author, 2 February 2006.

⁶⁹David Isenberg, "A fistful of contractors, *The Case for a Pragmatic Assessment of Private Military Companies in Iraq*," British American Security Information Council, Research Report, 2004 (Washington, DC: BASIC-US 2004), 12.

DOD AND DOS: CLASH OF CULTURES

From the beginning, DOS presence in Iraq was different from other diplomatic posts throughout the world due largely in part of the security environment. DOS policy is that when the political climate of a foreign country becomes too violent (“non-permissive”) an embassy will withdraw all non-essential personnel from the country and continue operations with a skeleton staff. If the situation becomes too dangerous, the embassy closes its doors until the country is stabilized. An embassy “drawdown” is a sequential process, precipitated by a series of events (riots, political violence, civil war) known as “trip wires,” which prompt a pre-determined responses by the embassy.⁷⁰

Iraq was different because there were no tripwires; DOS was committed to maintaining full diplomatic operations, even at the risk of sustaining mass casualties. This was a major policy shift in the conduct of business for DOS, and one that underscored the gravity of the political situation, both in Baghdad and in Washington. The magnitude of this shift in policy was not apparent at the onset CPA operations because the security situation was somewhat subdued.⁷¹

Historically, security for DOS personnel lawfully falls under the authority of the Ambassador, who is the U.S representative to the host country government. In the case of Iraq, there was no “host country government” or a U.S Ambassador. To address this

⁷⁰Material is based on the author’s personal experience as an Assistant Regional Security Officer assigned to American Embassy Iraq, from 12 July 2004- 3 June 2005. Hereafter sited as Author’s experience.

(b)(6) [REDACTED] Diplomatic Security Service Program Manager, Office of Overseas Programs, Rosslyn, VA, Telephone interview by author, 8 March 2006.

situation, a March 2003 memorandum between DOS and DOD placed the security of all DOS assigned to CPA under the responsibility of DOD, Coalition Joint Task Force-7 (CJTF-7).⁷² This administrative arrangement, one of the many that were negotiated between DOS and DOD back in Washington D.C., was characterized by an ongoing environment of contention that was manifest between the two departments. This departmental infighting would be evident throughout the duration of the CPA and would last well into the transition to Embassy responsibility.⁷³

DOD had resisted the idea of a DOS security presence in Iraq, believing that the military was more than capable of providing for the security of CPA personnel in country.⁷⁴ This line of thinking would ultimately prove to be imprudent, demonstrated by the rapidly deteriorating security situation and the rising number of military and civilian casualties during the summer of 2003. DOS personnel on the ground in Iraq soon came to realize that the security situation had developed into a very dangerous proposition, much different than what had been anticipated or planned.

It must be noted that there are fundamental cultural differences between Foreign Service Officers and U.S. military personnel, which soon became readily apparent in Iraq. At the center of the issue is the fact that, traditionally, DOS does not conduct full scale diplomatic missions in war zones. Conversely, military personnel are expected/required to serve in combat zones- it is the nature of their profession. This fundamental

⁷²“Memorandum of Agreement Between Department of State and Department of Defense for Support Services in Iraq,” 10 June 2004.

(b)(6) interview.

(b)(6) Former Regional Security Officer, American Embassy Iraq, interviewed by author, 8 March 2006.

difference translates into a broad dissimilarity in the threshold of risk that a FSO or serviceman is expected to accept.

As civilian and military deaths continued to rise, DOS personnel became increasingly apprehensive. Most diplomats are used to serving in hardship environments, but usually under very comprehensive and rigid security requirements that allow them to do their jobs. DOS personnel found themselves unable to travel outside the confines of heavily guarded compounds, without the risk of death or serious bodily harm and they began to question the effectiveness of DOD strategy (which was not well received within DOD). DOS/CPA personnel confidence in CJTF-7 had so eroded that staff members began to hire un-vetted private Iraqi drivers, rather than use CJTF-7 motorcades, which they perceived to be a greater risk. In response, DOD complained that DOS personnel were not following established regulations and putting themselves in greater danger.⁷⁵

As a result of the growing deteriorating security situation, both the CPA and DOS realized the need for a greater DS presence in Iraq. The result was the establishment of the Regional Security Coordination Office, which would serve as the focal point for CPA security issues and bridge the gap between the civilian-minded CPA and the DOD. The DS Agent appointed as the Regional Security Coordination Officer was Special Agent SA (b)(6), who had been deployed in late August of 2003, to serve as a Special Assistant to Paul Bremer's Deputy, Ambassador Pat Kennedy.

Ambassador Kennedy had initially requested DS assistance in setting up a personal protection training program to train bodyguards for the Iraqi police and SA Miller was sent as the sole DS presence in Iraq. Once on the ground, SA (b)(6) role

(b)(6) interview.

quickly expanded to the de-facto position of security advisor to Ambassador Kennedy.

(b)(6) quickly realized, however, that DOS and DS had not planned for, nor provided any resources for his position. In what would be another ongoing source of contention between DOD and DOS, DOS was sending personnel into theater without adequate logistic or administrative support. More importantly, DOS did not have any dedicated funding set aside to support (b)(6) initiatives on behalf of the CPA and DOS.⁷⁶

As an example, (b)(6), brought into theater to establish the bodyguard training program for the Iraqi police, but he received no funding to hire, equip, train and support the future Iraqi bodyguards. In what would become an all-to-familiar scenario, (b)(6) would have to rely completely on DOD resources to support his projects. This trend caused grumbling within DOD, which would begin to complain that DOS was not pulling its weight financially.

When SA (b)(6) assumed the position of RSCO he encountered resistance from DOD General and staff Officers concerning the security requirements for CPA personnel. (b)(6), a former Marine Officer and security professional, was at odds with CJTF-7 over the number of troops and guards required to protect the International Zone (IZ). Because of the increasing number of attacks on the IZ, (b)(6) called for the expansion of force protection measures. CJTF-7, under political pressure to keep troop deployment levels low, was arguing for a troop reduction- despite the rising number of attacks throughout the countryside. Throughout his tour (b)(6) and CJTF-7 would be in near-constant turf-battles over security standards, procedures and funding.⁷⁷

(b)(6), interview.

(b)(6) interview.

To assist SA (b)(6) DS sent MSD team members to assist with the multitude of security task that needed to be completed: responding to bombings and rocket attacks, providing training to the Iraqi police, conducting physical security assessments, providing security escorts for CPA personnel, establishing security policies and guidelines for CPA, as well as liaising with the various military and civilian officials to coordinate CPA security efforts.

In November of 2003, President Bush announced that the date for the transition from CPA to an Iraqi Interim Government was going to be moved forward to 1 July 2004—one year earlier than had been originally anticipated. This sudden change in plans caught DOS and DS by surprise, which were still attempting to grasp the nature and political implications of the Iraqi insurgency. With one year of planning time having evaporated overnight, DOS and DS scrambled to prepare for the opening of the largest U.S. Embassy in the world, in less than 8 months.⁷⁸

In February of 2004, DS deployed seven Special Agents to support SA (b)(6) in the preparation for the opening of American Embassy Iraq. One of the many undertakings that the newly arriving DS Agents would be responsible for was the management of the PSCs that the CPA had contracted, and the establishment of DS High Threat Protection Operations in Iraq.

American Embassy Iraq

The U.S. embassy in Iraq, was re-established on 28 June 2004, having been closed for more than 13 year, since the beginning of the First Gulf War. The embassy currently has more than 200 DOS and USAID employees, most of whom serve in

(b)(6) interview.

Baghdad. There are also approximately 50 employees posted in five Regional Embassy Offices located in Mosul, Kirkuk, Hillah and Basra, as well as five State Embedded Teams (SETs) posted throughout the Iraqi provinces. Staffing for DS security programs in Iraq includes 35 Diplomatic Security Special Agents, 14 Marine Security Guards, and approximately 1,500 third-country national local guards, hundreds of U.S. and Coalition troops protecting the International Zone and Regional Embassy Offices. Currently, DS has over 1500 contracted PSS operating in Iraq, which is more than total number of DS Agents serving worldwide (1400),⁷⁹ and In Baghdad alone, DS PSCs conducts an average of 15 HTP motorcades per day. In connection with programs conducted by U.S. agencies under Chief of Mission operations Diplomatic Security has lost two Special Agents and 27 contract personal security specialists killed in action in Iraq since July 2004.⁸⁰

Funding and Manpower

The initial start-up of DS HTP operations suffered from a lack of funding and manpower resources needed to effectively provide for the protection of those personnel who would fall under the authority of the Chief of Mission. This shortfall in funding and manpower was the result of two major issues faced by DOS/DS: first, was the underestimation of the Iraqi insurgency, which DOD planners had not prepared for, and which also caused security requirements and expenditures to skyrocket.⁸¹ For DS Agents

⁷⁹Shawn Zeller, "Extreme Diplomacy: Evaluating Embassy Baghdad," *Foreign Service Journal*, March 2005, 18.

⁸⁰(b)(6) e-mail.

⁸¹Walter Pincus, "Memo: U.S. Lacked Full Postwar Iraq Plan: Advisers to Blair Predicted Instability," *Washington Post.com*, 12 June 2005, URL:<<http://www.washingtonpost.com/wp-dyn/content/article/2005/06/11/AR2005061100723.html>>, accessed 13 March 2006.

on the ground, this resulted in an immediate lack of equipment and logistical support: armored vehicles, body armor, weapons, ammunition, emergency response equipment, communications equipment and administrative equipment, all of which had to be back-ordered and shipped into country. These items were not only needed to fill the immediate need, but also had to be procured to meet future needs of the largest U.S. embassy in the world.⁸²

The second issue that affected DOS Iraq funding and manpower, was the DOS budgeting process. DOS is not the military; it does not have large stores of equipment or battalions of personnel on standby waiting to be deployed. DOS has to plan and budget year-to-year. If there is a world event that requires additional funding for embassy security, then DOS must request the money from Congress, before it can obligate any expenditures. The inherent reactive nature of the DOS/DS procurement process automatically places DOS/ DS at a disadvantage when attempting to respond to a commitment as large as the DOS mission in Iraq.⁸³

As a result of the shortcomings in planning and funding, there were only two DS Agents assigned to manage the transition of the CPA HTP programs to DS HTP. The two Agents were responsible for the design, implementation, budgeting, finance, tactics, procedures, and infrastructure support establishing SOPs. These included Rules of Engagement, weapons systems, tactics, techniques and procedures and contract

(b)(6) interview.

(b)(6) Program Manager for Diplomatic Security Service, High Threat Protection Division, interviewed by the author, 24 February 2006.

compliance of all the DOS PSCs throughout Iraq, including Baghdad, Mosul, Kirkuk, Hillah, Basrah, Ramadi, Baqubah, Tikrit, Najaf and Karbala.⁸⁴

When DS assumed responsibility for Embassy Iraq PSDs, a number of CPA PSS contracts that were already in place, varied in capabilities, costs, and levels of training. As the two HTP Agents took account of the security programs, it was obvious that managing the private security contractors presented a unique set of challenges that were very specific to operating in a war zone- with the primary challenge being accountability. It was also evident that the PSCs were the one group of people that seemed to rub the civilian staff and military personnel the wrong way, as they swaggered throughout the embassy annex, tattooed and armed to the teeth. Some of the PSC personnel were so stereotypical in their appearance and conduct, that they were said to have been overcome with "Blackwater fever," a backhanded reference to the most widely known PSC in theater.⁸⁵

The PSC program that had the highest profile and therefore drew the most attention (as well as scorn) was Ambassador Negroponte's protective security detail (formerly Ambassador Bremer's PSD). The Ambassador's detail was comprised of a mix of DS Agents, DynCorps and Blackwater USA contractors, two Blackwater helicopters, four fully armored vehicles and coordinated air-support if the need arose; not the standard security assets normally found at an embassy. Never before had DS undertaken a HTP mission that would require the management of such diverse assets.⁸⁶

(b)(6) interview.

⁸⁵ Author's experience.

⁸⁶ Author's experience.

DS also had inherited other PSC contracts with Triple Canopy Inc, MVM Security and oversight over the DOD contracted Aegis Defense Services; these initial DOD contracts accounted for over 800 American PSS and 250 Third Country National (TCN) personnel. Because of the extraordinary circumstances surrounding the Iraq mission for all parties involved, DOS, DS, DOD and the PSCs, there was an immediate need for the DOS to assert control over the PSCs, which had for the most part been running about Iraq unregulated.⁸⁷

Contract Management

The task of assuming control of CPA legacy contracts was challenging for DS due to the shortage of manpower and support. Once again, the difference in DOS and DOD culture was apparent in the deployment of contract administration staff. DOD relied on the Defense Contract Management Agency (DCMA), an independent DOD agency (separate from the uniformed services), to be responsible for contract administration and external and theater support. DCMA had approximately 19 support unit teams in the region, as well a contingent of Contracting Officers on the ground in Iraq to handle DOD contracting administrative needs.⁸⁸

Conversely, the DOS effort was focused on minimizing the number of staff to be sent in to harms way, and a decision was made to keep DOS contracting support staff back in the U.S. This proved to be problematic for the two DS Agents in Iraq, who were attempting to manage multiple multimillion dollar contracts. The biggest problem

(b)(6) interview.

⁸⁸United States Government Accountability Office, "Military Operations: DOD's Extensive Use of Logistics Support Contracts Requires Strengthened Oversight," Report to Congressional Requesters, GAO-04-854, July 2004. 24

encountered by DS was the lack of DOS funds needed to assume the DOD contracts, which were in the form of Blanket Purchase Agreements (BPA), usually funded on a monthly basis. DOS had arrived in country and took over the CPA contracts, with no available funding for the continuation of the various PSC's services. Fortunately for DOS, DOD agreed to extend the funding for the BPAs while State waited for year 2004 funding to be approved.⁸⁹ While there was no actual break in contract security services, it was poor planning for DOS to arrive without funding for its programs, a situation that could have caused problems, such as work stoppages, had it not been for the patience and understanding of the DOD program managers, as well as the PSCs.

Another problem that DS HTP Agents faced during the CPA transition was accounting for all of the equipment, vehicles and personnel. With only two Agents posted in Baghdad responsible for managing the security contract assets for the entire country, there were no mechanisms for ensuring contract accountability, supervision and oversight.⁹⁰ Compounding the problem was the fact that during the course of CPA operations, many PSDs had been redeployed throughout the regions to compensate for changing security needs, but there were very few records that documented the changes. The lack of official records made it very difficult to ensure contract compliance, and track down the location of U.S.G funded equipment (vehicles, weapons, communications equipment) that needed to be accounted for during the transition. Basically, the contractors were running the show and the U.S. Government was doing its best to catch up.

(b)(6) interview.
interview.

The lack of accountability can, in part, be traced to the “get it done” spirit that was prevalent in Iraq. Because of the shortcomings in planning, there weren’t many established protocols for the administrative challenges that CPA personnel faced. How can local workers be paid when there are no banks, or even a valid currency? U.S. government officials, dependant on computer networks and e-mail, found themselves in a dilapidated city with little or no administrative support structure such as computers, phones, paper, administrative government forms and adequate staffing and funding. Without established policies and proper resources to properly address an issue, managers and officers were forced to rely on improvisation to work out daily problems, with very little time for official documentation.⁹¹ Needless to say, this approach had mixed results.

DS responded to these CPA transitional issues by consolidating the various contracts, as well as imposing uniform standards for DOS PSD operations. Many of the old CPA contracts were hastily written, with very vague Statements of Work (SOW) and little in the way of contract compliance standards. Some of the existing contracts were as small as eight pages, which gave little or no guidance to the contractor concerning government expectations. In contrast, WPPS II, the current DS contract instrument, is over 221 pages long, detailing operational, accountability, command and control, administrative and manpower requirements.⁹² DS has carefully crafted very high standards these companies must meet in order to compete effectively and win awards. To address personnel issues, the PSCs provide individuals that meet high standards and are

(b)(6) Chief of Operations and Logistics for Diplomatic Security Service, High Threat Protection Division, interviewed by the author, 3 March 2006.

(b)(6) interview.

capable of obtaining a security clearance. Fitness, previous experience, integrity, and the ability to meet security criteria add up to a very selective personnel screening process.

DOS PSC Legal

As DS Agents were busy consolidating the PSCs, the issue of the potential legal and liability problems surrounding the use of so many armed civilians involved in very a state of quasi-warfare remained unresolved. The CPA PSCs were operating under CPA Memorandum number 17, which stated in Section 2 that "Contractors shall not be subject to Iraqi laws or regulations in matters relating to the terms and conditions of their Contracts... notwithstanding any provisions in this Order, Private Security Companies and their employees operating in Iraq must comply with all CPA Orders Regulations, Memoranda, and any implementing instructions or regulations governing the existence and activities of Private Security Companies in Iraq, including registration and licensing of weapons and firearms."⁹³

CPA Memorandum Number 17 had allowed DOD to regulate PSCs by stating "that nothing in this provision shall prohibit MNF Personnel from preventing acts of serious misconduct by Contractors, or otherwise temporarily detaining any Contractors who pose a risk of injury to themselves or others" pending expeditious turnover to the appropriate authorities of the Sending State."⁹⁴ The problem that existed on the ground was that the military commanders had received little or no information concerning the PSCs or

⁹³Coalition Provisional Authority, Memorandum, Subject: *Registration Requirements for Private Security Companies (PSC)*, Number 17, 26 June 2004, URL:<www.pbs.org/wgbh/pages/frontline/shows/warriors/faqs/cpamemo.pdf>, accessed on 13 October 2005. Cited hereafters as CPA, Memorandum 17.

⁹⁴CPA Memorandum 17.

guidance on how to interact with them. This lack of guidance was compounded by the fact that there was no formal means of communication set up to facilitate command-and-control over the PSCs that were conducting security missions in the Combatant Commander's area of operation. Both of these problems were a direct result of the newness of the PSC phenomenon; never before had the U.S military conducted combat operations in a theater so cluttered with armed privately contracted civilians.

Another problem DOD (and now DOS) faced with the use of PSCs in Iraq is the question of their legal status as understood by the international community. In the "Protocol Additional to the Geneva Conventions (GC) of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 08, 1977 it is stated: The legal status of civilian contractors depends upon the nature of their work and their nationality in respect of the combatants. Contractors cannot be engaged in direct support of military operations."⁹⁵ If the contractor does engage in offensive operations and is captured, he may be treated as a lawful combatant, is granted Prisoner of War (POW) status and is considered a protected person under the Geneva Convention. The POW may then be subject to "a trial by a tribunal in accordance with GC III Art 5, and if it is determined that his status is that of a mercenary, then he may be and subject to execution as a common criminal."⁹⁶ If a person is not engaged in offensive operations, then he is considered a civilian and is entitled to protection under the Geneva Convention. It was readily apparent to most people in Baghdad that the PSCs are not just passive civilians driving around the countryside trying to help the Iraqi people get back

⁹⁵Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 08 June 1977.

⁹⁶Geneva Conventions, Protocol I Additions, Article 47.c.1997

on their feet. They are paramilitary units, armed with machine guns and armored vehicles that have the authority to shoot anyone they deem threatening to themselves or those that they are protecting.

Because PSCs are not specifically covered under current international law, the legal status of a private security contractor is currently in a state of flux, to be defined by the particular action that he is doing at any given moment. If the contractor is conducting a security operation and is firing his weapon in self-defense, then he is considered a civilian. If he engages in offensive operations, he is considered a mercenary and therefore an unlawful combatant. This grey area law concerning PSCs has not yet been tested to date, due to the nature of Operation Iraqi Freedom.

DOS inherited this same set of issues, which was a far cry from traditional embassy policy. At every U.S embassy around the world, Americans serving with the Department of State and those persons who are attached to the embassy are accountable to the Ambassador, otherwise known as the Chief of Mission (COM). The Ambassador's authority originates directly from the President of the United States, which is detailed in a "letter of Instruction" that is given to the Ambassador upon his/her appointment. The letter gives the COM "full responsibility for the direction, coordination, and supervision of all United States Government executive branch employees [in country]"⁹⁷ The COM also derives authority from the 1980 Foreign Service Act (P.L 96-465) and the 1986 Diplomatic Security Act, P.L 99-399, section 103 of the act charges the Secretary of State "with responsibility for developing and implementing policies and programs to provide

⁹⁷United States Department of State, Department Notice, "Revision of President Bush's Letter of Instruction to Chiefs of Mission," Date of Announcement, 10 July 2003. Cited hereafter as DOS, Department Notice, July 2003.

for the security of USG operations of a diplomatic nature and empowers the Secretary to: Coordinate all USG personnel assigned to Missions abroad, except for employees under the command of a U.S. area military commander."⁹⁸

In Iraq, the problem for the DS is that contract personnel do not fall within the scope of the Chief of Mission because they are contract employees for the USG, not direct-hire USG employees. This is a significant detail because it places the PSCs under the direct supervision of the RSO, but it does not grant the RSO the authority to take direct disciplinary action against an employee who is not complying with DS policy. This is not to say that the RSO is not without means to ensure proper supervision of the PSCs, but like any like any USG contractor/contracted relationship, the true enforcement mechanism rest with the USG contracting officer.

The reoccurring problem for the RSO concerning the management of PSCs was the gray area of their legal status. Now that the PSCs were DOS assets, they were also potential DOS liabilities. Of particular concern was the lack of a clear policy or guidance by DOD or DOS surrounding the potential scenario of a security contractor involvement in an unlawful shooting of an Iraqi citizen, U.S citizen or a third country national. Historically, if an American citizen working for the U.S. Government in a foreign country is involved in the violation of host country law, such as shooting one of its citizens, the individual is subject to investigation and possible prosecution by the host country's government. (The exception is if a violation occurs on embassy property, then he may be arrested by a DS Agent.) The situation is different in Iraq, as the Iraqi Government does not have the means to enforce a legal code, even if one existed.

⁹⁸DOS, Department Notice, July 2003.

Moreover, the contractor is still granted immunity under CPA Memorandum 17, which is discomfoting for both DOS and the Iraqi government because the potential for a media scandal is ever present.⁹⁹

Normally in a time of war it is the Combatant Commander who is responsible for the conduct of his troops and DOD contractors under the authority of the Military Extraterritorial Jurisdiction Act (MEJA). While MEJA “allows for the prosecution of civilians employed by or accompanying the military while overseas”¹⁰⁰ it fails to address contractors working for DOS.

Others argue the opposite, stating that under MEJA, American citizens “accompanying the armed forces, whether spouses or employees of a civilian contractor or subcontractor, may be detained by military police and brought back to the United States for trial in federal court for any crime that would be a felony back home. That, experts say, would apply to contractors involved in any phase of the Iraqi conflict.”¹⁰¹

The MEJA law has yet to be applied to any civilian contractor serving in Iraq, as there is a shortage of Federal Agents needed to investigate a typical felony and a lack of political will back in the U.S. to prosecute civilians working in Iraq. The Abu Ghraib case may constitute a change in precedence for the Justice Department, as prosecutors look at possible legal actions against the Titan and CACI contractors currently under investigation. Still, the contractors in the Abu Ghraib case are DOD contractors, not DOS

⁹⁹Author’s experience.

¹⁰⁰Chris Lombardi, “Law Curbs Contractors in Iraq: Statute Fills Void in Prosecution for Abuses During Conflict,” online *ABA Journal E-report*, 14 May 2004, URL: < <http://www.scrivo vivo.net/chris/my14iraq.html>>, accessed 26 October 2005.

¹⁰¹Lombardi, Chris, Law Curbs Contractors in Iraq.

contractors. It will be very difficult, if not impossible to make a case that a DOS contractor currently working in Iraq falls within the scope of MEJA.

So how does DS currently deal with unlawful conduct of its contract security workers, particularly if a felony occurs off embassy property? Currently the process is to have a DS Agent conduct an administrative investigation and turn the finding over to the RSO. Pending the results of the investigation, if the offender was found to have violated embassy policy, then he/she would be denied access to the embassy and all DOS property. Working in conjunction with a DOD liaison, the subject would also be denied access to DOD facilities. The subject would then be remanded over to his parent company and then removed from country; the decision to retain or fire the employee would rest with the parent company. The subject would not face any type of criminal prosecution once he returns to the United States.¹⁰²

Because millions of dollars in contract funds are at stake, PSCs tend to be very proactive about self-policing their ranks. This is not to say that there are no incidents of misconduct: drunkenness, assaults, improper conduct and the like. But for the most part, the DS PSCs do their best not to draw the attention of the RSO to their operations; it simply is not good business and could endanger future contracts with DOS.

Still, the question remains unanswered: based on the current legal situation in Iraq, could a DOS PSS commit a murder in Iraq and go unpunished in a court of law? The answer is currently a tentative yes, because to date, no legal precedence has been set concerning DOS civilian contractors in Iraq. As demonstrated, the legal status of a private security contractor depends on a number of factors, to include: who is the victim

¹⁰² Author's experience.

(U.S., TCN or Iraqi?) what was the subject/suspect actually doing at the time that the crime is committed? is he considered a civilian or unlawful combatant/mercenary under the Geneva Convention? where did the crime occur, on embassy property or out in town? To further complicate matters, the problems encountered in conducting a thorough investigation, such as evidence collection, witness statements in Arabic and most of all lack of manpower, as well as the willingness of the Department of Justice to fly witnesses back to the U.S. to testify in a trial would greatly inhibit criminal prosecution.¹⁰³

This hypothetical situation will be resolved once the Iraqi government is capable of administering an appropriate legal system. The end result will be the development of bilateral agreements between the U.S and Iraq concerning the conduct of U.S civilians, to include private security contractors, but it is unlikely that the U.S will be willing to set the legal precedence of turning over U.S. government officials, or those working on behalf of the USG, to foreign governments for adjudication of alleged criminal acts.

Operational Issues

In addition to the theoretical legal problems that DOS encountered, DS also faced a number of other operational issues that impacted the management of the DOS PSCs, most of which can be directly traced back to the lack of planning and funding: lack of equipment, absence of policy and command and control. Some of these issues stemmed from a disconnect between the DS Agents in Iraq and DS program managers in Washington. While such disconnects are inherent in any undertaking, it is worth examining those that occurred for instructional purposes and future reference.

¹⁰³ Author's experience.

DS Washington and Iraq

The gap between DS headquarters elements and DS Agents in Iraq began to widen as the Iraqi insurgency began to take hold. With only one Agent on the ground in Iraq (almost three months after the supposed end of major combat operations) DOS and DS did not have a clear picture of the political and security situation that was unfolding across the country. As the seven additional DS Agents began the work of preparing for the CPA-embassy transition, requests were sent to DSHQ for additional armored vehicles, an increase in PSD staffing, body armor, radios, medical trauma kits, M-4 Rifles, ammunition and magazines, M-203 grenade launchers, vehicle tow straps, Global Positioning Systems (GPS) and other equipment the Agents deemed essential for the increasing high-threat environment.¹⁰⁴

Because of the previously discussed funding issues, DS simply did not have the money available to pay for all of the requests it was receiving from the field. Moreover, because DSHQ was slow to grasp the deteriorating security situation, DS in Washington continued to hold-fast to the traditional security standards and protocols concerning funding and sourcing equipment.¹⁰⁵ In Iraq, however, Agents were facing critical shortages of high threat security equipment needed to conduct embassy PSD operations.

Equipment, Weapons and Policy

Frustration mounted on both ends; some DSHQ personnel believed that the Iraqi agents felt that they had a "blank check" when it came to ordering equipment and other resources. In Iraq, DS Agents were irritated at the constant requests for written

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(b)(6) interview.

justification, of what were obviously (in the eyes of those on the ground) basic needs given the threat environment. An example of this disconnect was a request from the DS Iraq for special trauma medical kits, to be utilized by the U.S Special Forces Operators that served in the Quick Response Forces (QRF) that would respond in the event of a critical incident. For the Agents in Iraq, the additional med-kits were a reasonable request, given the frequency of IED and VBID attacks. The request was denied by DSHQ, for lack of justification. For DS managers in Washington, the request was exorbitant, given that the typical DS medical kit for all DS motorcades in Washington was of a lower-level and available at a lesser cost. DSHQ therefore requested further justification via a "front-channel cable" (standard DOS telegraphic communication), forgetting that such communications equipment wasn't even available in Iraq at that time.¹⁰⁶

Another request was made for additional pistol and rifle magazines that the DS Iraq Agents had calculated would be required to sustain a fire-fight during the approximate response time of the military QRF. The request was denied because it was deemed to be an excessive amount of equipment by headquarters personnel.¹⁰⁷ Agents in Iraq felt that DSHQ had a "Washington mentality" and that it was trying to apply D.C. protection standards to an active combat zone.

A similar request was made from Iraq to authorize DS Agents and DOS PSS to carry and deploy, if necessary, M-203 grenade launchers.¹⁰⁸ This request was denied by

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DS management, which had not yet come to terms with the fact that DS Agents and DS HTP PSDs were often times placed in situations that required aggressive measures to ensure the survival of HTP personnel and their Principals. Traditional DS protection tactics dictate that if there is a threat to a PSD, the PSD should “sound off, cover (shield) the Principal and evacuate the Principal from the danger area.”¹⁰⁹ Critics (mostly Agents who have conducted HTP operations in Iraq, Afghanistan and Gaza) argue that the traditional DS protection tactics are outdated in theaters such as Iraq, where HTP operations are executed daily in areas that were once considered too dangerous and were therefore prohibited by DS. As a result, DS PSDs in Iraq often felt out-gunned and to a certain extent, unsupported by DS management.

In addition to the HQ-field disconnect, DS logistics were also hampered by a lack of manpower that was needed to properly oversee the multi-million dollar shipments of security equipment that was being brought into country. To manage all of the DS vehicles, weapons, ammunition, communications equipment and miscellaneous gear, DS HQ had designated 1 Agent position to receive, inventory, account for and disburse all DS equipment as required, as well as additional duties as assigned. As a result, accountability of vehicles and equipment was hampered, particularly when the assigned Agent went on leave or was otherwise unavailable.¹¹⁰

¹⁰⁹ Author's experience.

(b)(6) interview.

Communications

Because DOS was operating in a military environment, with very little inter-departmental coordination prior to the establishment of CPA or the embassy, DS Agents struggled to establish an effective means of coordinating DOS security operations with ongoing military operations and other security operations that were also occurring throughout the country. The end result was that DOS PSDs ran the risk of being involved in a "Blue on White" situation, which is the term used to refer to a friendly-fire incident that involved Coalition forces (Blue) and civilian contractors (White). Such occurrences were not uncommon due to the lack of established communications procedures and differences in communications equipment between the military and civilian PSDs.¹¹¹ As a result, PSDs could find themselves advancing on established Coalition security checkpoints without any advance notice for either the PSDs or the military units. This situation had potential lethal implications for both sides, as military personnel were forced to determine if the advancing motorcade was friendly or hostile, which determined a shoot or no-shoot response.

To resolve the problem, DOD units were tasked with providing security escorts to embassy PSDs that traveled throughout Iraq. The DOD escort vehicles not only served to facilitate contact with military units in the field, but also served as a visible deterrent to potential insurgent attacks. One shortcoming of the joint-DOS/DOD military escorts was the inability of DOS PSDs to communicate with the DOD escorts, due to a lack of similar communications equipment between DOD and DOS. DOS simply did not have the required military radio communications needed and the military was reluctant to loan

¹¹¹ Author's experience.

encrypted radios to civilian operators because of clearance and accountability questions, as well as existing equipment shortages.¹¹²

This situation was improved by the establishment of a DOS/DOD Tactical Operations Center (TOC), which was responsible for coordinating DOS security operations and communications with the U.S. military and other pertinent agencies operating within theater. The DS TOC became the hub of embassy security operations, but was hindered by a lack of required personnel that had not been anticipated, staffed or funded. In what would be a common practice, DS was forced to re-allocate manpower and resources from other security programs in order to staff and source critical issues as they arose.¹¹³ In the case of the DS TOC, which required a bare-minimum of four DS Agents, staffing was supplement by temporally assigned Agents whom DS had begun to rotate through Iraq to fill staffing shortages. The immediate shortcoming of this quick-fix staffing solution was that the main hub for all DS security operations, communications and emergency response, was sometimes staffed by junior Agents who had just “got off the plane” and assumed their duties with no transition period or prior briefing on DS HTP Iraq operations.¹¹⁴

Vehicles

Another problem that DOS and virtually every security provider in Iraq experienced (to include DOD) was a shortage of Fully Armored Vehicles (FAV). As

(b)(6) interview.

(b)(6) interview.

¹¹⁴Author’s experience.

security requirements in the field increased, so did the demand for FAVs., which simply were unavailable due to limited production capability. DOS initially shipped 50 vehicles, but the shipment had not been coordinated with DS Agents in Iraq and the vehicles arrived unannounced; they were immediately received and retained by DOD elements on the ground. The vehicles were eventually located and relinquished by DOD, but only after multiple requests by DOS.¹¹⁵ The unaccounted shipment of the FAVs was not an isolated incident, as DS Agents in Iraq were frequently contacted by DOD personnel posted at the airport in Baghdad and informed that “there were some boxes that looked like they belonged to State and could you please send someone to get them.”¹¹⁶ This problem was the result of an internal administrative information sharing breakdown within DS, between DS/HTP, DS Department of Equipment and Armored Vehicles (DEAV) and DS Agents in Iraq.

Another vehicle issue encountered by DS Agents in Iraq, was the service and maintenance of the DOS vehicle fleet. Because of the harshness of the Iraqi roads and climate, the Chevrolet, Toyota and other DOS vehicles required a high level of maintenance, which required mechanics, tools and spare parts, none of which had been planned or coordinated. DS Agents in Baghdad found themselves scavenging for parts and labor for its HTP vehicles.¹¹⁷ The issue was finally resolved through negotiated agreements with DOD for the utilization of KBR vehicle repair services.

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DOS and PCO

The purpose of this section will be to study a unique contracting situation that arose between DOS, DOS's Project and Contracting Office and the PSC Aegis Defence Services Limited. The contracting situation that developed between the three parties during post-conflict operations in Iraq is indicative of the problems that emerged between DOD and DOS as they grappled with the details of conducting HTP operations.

The principal DOD organization that was in charge of managing the 18.4 billion USD reconstruction process was the Program Management Office (PMO), which would later change its name to the Project and Contracting Office (PCO). The PCO is responsible for all activities associated with the reconstruction program, to include project, asset, and financial management, and management of both construction and non-construction activities across six sectors: electrical, public works and water, communications and transportation, buildings, education and health care, security and justice and oil.¹¹⁸

To minimize the risk of danger to the reconstruction elements, the PMO established the PMO Security Directorate, which was tasked with the overall responsibility for the oversight of security for contractors involved in the reconstruction of Iraq. The Security Directorate was also directly responsible for providing security for the DOD military and Civilian PMO staffs directly assigned to PMO.

To accomplish their assigned mission, the PMO Security Directorate procured the services of Aegis Defense Services, for a contract worth \$92 million for the first year and a maximum of \$293 million over three years. The initial SOW required 75 two-man

¹¹⁸ Project and Contracting Office, Embassy of the United States, Baghdad Iraq web page, URL:<http://usembassy.state.gov/iraq/iraq_pco.html>, accessed on 25 March 2006.

personal security details a day, charged with protecting the PMO employees and staff from “assassination, kidnapping, injury and embarrassment.”¹¹⁹ The announcement of Aegis as the winner of the PMO contract immediately reverberated throughout the private security industry, primarily because of the notoriety of the Aegis Chief Executive Officer- retired British Army Lieutenant Colonel Tim Spicer. Mr. Spicer, a well known figure in the PSC community, headed the private military company Sandline International, which had been hired by the government of Papua New Guinea (PNG) to suppress rebels operating on an island in Papua New Guinea that possessed a lucrative copper mine.

After the PMO contract was awarded, public reaction was almost immediate. “This contract is a case study in what not to do,”¹²⁰ said Peter Singer, a national security analyst for the Brookings Institution, who has researched the Aegis deal. “The Army never even bothered to Google this guy...this systemic failure was one of the core issues surrounding the privately contracted interrogators linked to the abuses of Iraqi prisoners at Abu Ghraib.”¹²¹ The award also received condemnation from U.S. members of Congress, including five U.S. senators who asked Secretary of Defense Donald Rumsfeld to investigate the granting of the contract to Aegis.¹²²

¹¹⁹Alice Crites, “Iraq Work Awarded to Veteran of Civil Wars,” *Washington Post*, online ed., June 16, 2004, URL:<www.washingtonpost.com/ac2/wp-dyn/A44945-2004Jun15>, accessed on 21 March 2006.

¹²⁰Andrew Ackerman, “Tim Spicer’s World,” *The Nation*, December 29, 2004, online ed., URL:< www.thenation.com/doc/20050110/ackerman>, accessed on 26 March 2006.

¹²¹Ackerman, “Tim Spicer’s World,” 29 December 2004.

¹²²Mary Fitzgerald, “U.S Contract to British Firm Sparks Irish American Protest” *Washington Post*, online ed., August 9, 2004, URL:<www.washingtonpost.com/wp-dyn/articles/A50566-2004Aug8.html>, accessed 24 March 2006.

On 28 June 2004 the PMO/Aegis security contract took on a new dimension when the U.S. transferred sovereign authority from the CPA to the Interim-Iraqi Government (IIG) and established the American Embassy in Baghdad. For the PMO (now renamed PCO), DOS and Aegis, the period between the award of the PMO contract and June of 2005 is a case study in bureaucracy and departmental turf battles between DOS and DOD. Unfortunately for Aegis, it found itself in the unenviable position of having to serve two masters. This situation would result in numerous changes in standard security procedures, contradictory direction and guidance to the contractor from DOD and DOS, and frustration on behalf of all parties involved.¹²³

The opening of the American Embassy and transition of DOD/CPA functions to DOS were detailed in a series of agreements negotiated between DOD and DOS. A 2004 MOU placed the PMO and its personnel under Chief of Mission (COM) authority, giving the Ambassador and his designated security advisor, the Regional Security Officer (RSO), ambiguous control over PMO security operations, which included Aegis Defense Services. The RSO appointed an agent to be responsible for the management of the PCO security program.

At the onset of the new DOS/RSO-DOD/PMO relationship there was an atmosphere of mistrust and hostility. Military Officers staffing the PMO bristled at the fact of having to coordinate and answer to someone from the "State Department." One senior officer went so far as to direct the PCO security staff not to include any DOS personnel in relevant PCO meetings, or to provide relevant documents or cooperation to

¹²³ Author's experience.

DOS/RSO personnel.¹²⁴ The obstruction by the PCO had a direct impact on Aegis country team managers, who were caught in the middle of a bureaucratic turf battle as they were attempting to properly startup preliminary operations. Aegis also had other problems, such as manpower and staffing issues, equipment procurement, training and standards, clearances and the use and vetting of local Iraqi nationals.¹²⁵

When DOS assumed authority over USG operations, the RSO conducted a review of security procedures and implemented the following administrative changes: personnel under COM authority would no longer be able to travel about the country in unarmored vehicles, and were required to conduct vehicle movements utilizing a three car motorcade package and a minimum of four armed PSS, otherwise known as "shooters." The new security regulations immediately impacted the PMO and Aegis because of the additional increase in cost, manpower and equipment that would be required to meet RSO requirements. As a result of the increased security costs, PCO management, unhappy with these unexpected increases in security costs, unsuccessfully sought to have the DOS requirements changed.¹²⁶

As DOD and DOS haggled over security procedures, Aegis continued to focus on their original contract requirements, while at the same time planning for additional taskings. Aegis and the PCO also encountered a number of stumbling blocks in regard to the staffing of personnel. Aegis security responsibilities were divided up into three distinct areas, Personal Security Details (PSDs), facility and static guard security, and the

¹²⁴ Author's experience.

¹²⁵ Author's experience

(b)(6) [REDACTED], USMC, PCO Security Director, interviewed by the author, 25 April 2006.

operation of the Reconstruction Operations Center. The original intent of Aegis was to staff these positions using U.S. personnel, third-country nationals (TCNs) (British, Australian, South African and coalition members) and local nationals. The use of Iraqis to staff security positions instead of U.S. or TCNs provided Aegis with a tremendous cost-savings in wages and overhead, because the Iraqis were paid far less than the U.S. and TCN workers and did not require international air-flights, housing and related support costs associated with U.S. and TCNs.¹²⁷ The problem encountered by PCO and Aegis was that DOS policy stipulated that local nationals could not be used to staff security positions that would protect COM personnel and facilities.¹²⁸

DOS policy prohibiting armed Iraqi security workers was based on the fact that it was virtually impossible to conduct adequate security checks to vet potential Iraqi employees. A compromise was finally reached allowing the use of armed local nationals to be utilized, but only upon vetting to DOS standards, direct TCN supervision and restricted access to USG facilities.¹²⁹ Vetting was also particularly difficult for Aegis, which employed non-coalition members from South Africa. To compound the problem, Aegis simply did not have the proper administrative staff on the ground to properly conduct security checks and background interviews. Further, DOS did not have a written standardized vetting policy that gave clear guidance to Aegis and the PMO concerning the vetting process.¹³⁰

(b)(6) interview

(b)(6) interview.

¹²⁹Author's experience.

¹³⁰Special Inspector General for Iraq Reconstruction, "*Iraq Reconstruction, Lessons in Human Capital Management*," special report dated 1 January 2006.

Aegis also encountered problems with the RSO concerning its lack of firearms policy and training standards. The PCO security contract called for personnel to be “trained as a team before they begin to perform their duties...and have a variety of skills to include: VIP protection, evasive driving, mobile vehicle warfare and counter-sniping...”¹³¹ The contract did not specify to what standard the personnel were to be trained to. When DOS and the ARSO asked Aegis to produce documentation concerning the qualifications of its personnel, Aegis was unable to provide any substantive evidence that its employees met even the most basic standards. Because of RSO requirements, Aegis was forced to establish a DOS approved firearms and training program and to provide subsequent documentation.¹³²

Perhaps the greatest challenge for DS management of Aegis, was DOD PCO management, whom failed to adequately staff the PCO Security Directorate. The PCO Security Directorate, when fully staffed, was to be comprised of four security professionals responsible for supervising and conducting contract surveillance for a security program that involved close to six-hundred security specialists and that would be operating in five separate locations throughout Iraq. In reality, because of manpower shortages and rotation schedules, PCO Security was subsequently staffed on the average with two reserve military officers, most of whom were not security professionals. The result was that there was no one from the PCO security directorate who had the technical expertise to properly manage the Aegis security contract. When the RSO volunteered an

¹³¹Coalition Provisional Authority Program Management Office, Contract Number W911SO-04-C-003: Aegis Defence Service Limited, Statement of Work, Reconstruction Security Support Services (RSSS). 25 May 2005.

¹³²Author’s experience.

ARSO to serve as a Contracting Officer Representative for the Aegis contract, the PCO immediately refused, in order to limit DOS involvement as much as possible.¹³³

The struggle between DOS and DOD continued, with the PCO willing to accept lesser performance from its Security Directorate over a bureaucratic turf battle. In the meantime, Aegis took advantage of the lack of contract surveillance and infighting between DOS and DOD to obfuscate the fact that by the end of May 2005, (one year after the contract award) it still had not met the requirements as stated in the SOW.¹³⁴ The situation that had developed around the DOS/PCO/Aegis contract finds its roots in the lackluster, post-conflict planning between DOD and DOS. Also hindering the PCO were “human capital management” issues, such as a hiring adequate experienced staff, staffing turnovers (lack of continuity), interagency conflicts and lack of oversight and conflict accountability.

The DS/PCO/Aegis experience provides a microcosmic look at some of the issues surrounding DS HTP operations, as well as some of the challenges that both DOS and DOD encountered in Iraq as they attempted to provide a secure environment for the Coalition reconstruction effort. From the start, the DS/PCO relationship was strained, due primarily in part to personalities, budgetary constraints and vague mission objectives. Although this was a unique contracting situation for DS, it is instructive because it provides insight to the managerial issues that DS may once again find itself confronting.

¹³³ Author's experience.

¹³⁴ Author's experience.

Conclusion

DS HTP Operations in Iraq have been a milestone for DS due to the enormity and complexity of the mission. Despite the many challenges that DS HTP has encountered in Iraq, DS Agents and the contracted PSS continue to dedicate themselves to the protection of USG personnel with a high degree of professionalism and expertise. Many of the problems experienced by DS HTP personnel were a direct result of poor planning at the most senior levels of government, which had negative repercussions that affected daily security operations on the ground in Iraq. Funding and staffing shortages, as well as interdepartmental conflicts between DOS and DOD, could have been improved with proper planning and coordination. The final chapter of this study will address these issues and provide potential solutions and suggestions for the management of DS HTP operations.

CHAPTER 5

LESSONS LEARNED

OVERVIEW

In spite of the controversial nature of the use of PSCs by the U.S. Government, the current trend of outsourcing security operations is going to continue far into the future. For DOS and DS, the use of PSCs is not a new trend, nor is it one that DS is unprepared to effectively manage. In fact, the DS HTP program has evolved into a very efficient security operation designed to deploy DS personnel and contracted PSS quickly and effectively to meet the most challenging security requirements of DOS.

The recent deployment of the DS HTP model of operations to Iraq in support of Operation Iraqi Freedom was undertaken and accomplished under the most extreme circumstances, testing the resilience of DS personnel and resources. Yet, despite the overall success of DS HTP, during the course of this study it became apparent that there were areas that DOS and DS could have improved. The areas identified as requiring further improvement have been categorized as follows: interagency/department coordination, DOS/DS personnel issues, and operational problems. As each of these areas has been previously discussed in Chapter IV, it is the intention of this chapter to provide suggestions and possible solutions to some of the problems that DS HTP personnel encountered.

DOD and DOS

One common theme encountered during the course of this study was the lack of planning and coordination of security operations between DOD and DOS at almost every phase of Operation Iraqi Freedom. The lack of cooperation, which sometimes resulted in outright obstruction, hindered both military and civilian security operations in Iraq by putting departmental turf battles ahead of overall mission effectiveness. Much has already been published concerning the causes of the current Iraqi insurgency and the troubled U.S response. For the purpose of this thesis, it is important to note that the failure of DOD and DOS to properly coordinate post-conflict stability and reconstruction security efforts prior to execution had a substantial negative impact on DS HTP security operations.

Both DOS and DOD have recognized many of the shortcomings of their “joint” efforts through OIF and realize the need for improvement. On 7 December 2005, President Bush issued a new Directive authorizing the Secretary of State to improve coordination, planning, and implementation for reconstruction and stabilization (R&S) assistance for foreign states. Out of this directive, DOS’ “Office of the Coordinator for Reconstruction and Stabilization” (S/CRS) was created. S/CRS is a partnership with the U.S. military, other federal agencies, and our international allies. DOS envisions this office assembling and deploying civilians who are essential in post-conflict operations, such as police officers, judges, electricians, engineers, bankers, economists, legal experts and election monitors.¹³⁵

¹³⁵U.S. Department of State, “Office of the Coordinator for Reconstruction and Stabilization,” Web-only report, July 2006, URL:<www.state.gov/s/crs/>, accessed 1 July 2006.

S/CRS is a good starting point for addressing the strategic planning issues of rebuilding a foreign country. This thesis recommends that DS embrace this opportunity and take an active role within S/CRS. As of this writing, DS has only limited involvement with S/CRS and has yet to place a DS representative within S/CRS. A lack of participation by DS in the S/CRS planning and coordination phases can only lead to further future shortcomings in DS HTP operations.

DOD/DS Personnel Issues

There is a longstanding belief within Diplomatic Security that “any Agent can do any job,” and, for the most part, DS Agents are able to rise to the occasion by learning “on the job.” Certainly, this is not the best way to develop junior Agents’ professional expertise. One of the most significant problems encountered by DS Agents in Iraq, aside from the lack of manpower required to effectively transition from CPA to American Embassy Iraq, was a noticeable shortage of experienced Agents needed to staff DS allocated positions, including HTP operations. What was evident in some cases, was that junior DS Agents were placed in positions in which they had little experience or training, and were simply told to “make it happen,” with little other guidance provided.¹³⁶

The “experience gap” is, in part, due to the DS assignment process. Because of the level of violence in Iraq, DOS has been unwilling to direct (order) its personnel to serve in critical threat environments, opting to staff all positions with volunteers. The volunteer assignment process greatly reduces the number of experienced personnel needed to staff critical threat posts, such as Afghanistan or Iraq, because the more-senior DS Agents have not been volunteering in large numbers.

¹³⁶ Author’s experience.

Traditionally, there has always been a pool of individuals in DOS who are willing to accept the risk of serving in a critical threat post, but after a few assignment cycles, the pool of eligible (and experienced) volunteers is greatly reduced. Also, some FSOs worry that those who do volunteer tend to be younger, "cowboyish," types without families or going through a divorce.¹³⁷ The question then is "how can DOS/DS draw and sustain the number of qualified volunteers needed to staff an embassy such as Iraq?" Should DS change its assignments philosophy and begin a process of ordering Agents to serve in non-permissive environments?

Assuming that U.S foreign policy will continue to place DOS personnel in non-permissive environments, DS must seriously consider identifying and directing mid-level and senior level Agents to fill critical-threat positions, or face a shortage of experienced volunteer Agents in the future. While it is understood that job seniority does not equal superior job performance, DS cannot continue to send inexperienced junior Agents into non-permissive environments to conduct HTP operations without increasing the risk of a critical incident.

Training

Aside from simply increasing the number of positions needed to manage a HTP operation comparable to the mission in Iraqi, be it through volunteers or directed assignment, DS can also insure that the Agents assigned to such a position receive the proper training and have the required professional and personal experience necessary to succeed. This level of commitment to the HTP mission requires a complete shift in the

¹³⁷Shawn Zeller, "Extreme Diplomacy: Evaluating Embassy Baghdad," *Foreign Service Journal* (March 2005): 22.

core DS philosophy "that any Agent can do any job." DS must acknowledge that every agent cannot do every job, particularly without the proper training and experience. Until DOS/DS is willing to accept this fact, there will always be unnecessary shortcomings with the DS HTP mission.

To overcome the experience gap, DS should adopt a minimum standard for those Agents required to serve in a HTP assignment. A suggested minimum training/experience standard for a HTP position would be: at least 4 years of experience with DS, overseas service as an Assistant Regional Security Officer, and completion of RSO training and DS HTP training. This training/experience profile, while not a guarantee for success, would certainly provide a HTP Agent with the minimum set of skills needed to adequately perform in a high threat environment. Current DS policy allows for an Agent, fresh out of Basic Agent Training and with no overseas or ARSO experience, to be sent to Iraq to staff HTP openings. While the Agent does receive 32 days of HTP training, he/she most likely lacks the administrative training and experience needed to effectively manage and supervise a DS PSD.

There are two other areas in which DS can better train potential HTP Agents. One is contract management skills. Current DS policy provides 40 hours of Contract Officer's Representative (COR) training to all agents that are to be posted overseas in a RSO or ARSO billet. Frequently, Agents are assigned temporarily overseas without any contracting training, despite the fact that they may be interacting, supervising and managing contracted PSSs. Without the fundamental knowledge of contract management procedures, an inexperienced Agent is unprepared to meet even the requirement needed to supervise a contract PSD.

While such casual management practices may pass as acceptable in other less critical positions, in a job where an Agent is charged with protecting the lives of others, such policy raises serious questions concerning liability. In an environment such as Iraq or Afghanistan, where an Agent is responsible for the supervision of a PSD, failing to know how to properly identify and correct a non-compliant contractor can have grave repercussions. A DS HTP Agent must have the training and experience to deal with contractors, or he/she will be relegated to the role of passive observer and be of little use to the HTP mission.

Another training area that DS could enhance to improve the management of its HTP program is the development of leadership skills of junior DS Agents. Currently, DS Agents are not required to attend any type of leadership training until they reach the FS-03 position, which is considered supervisory level in DOS. Yet junior DS Agents have been deployed to Iraq and Afghanistan and placed in charge of contract PSDs without the benefit of proper leadership development. Such a practice does not adequately serve any of the parties involved: DS, the PSCs, the embassy and its staff, or the HTP Agent.

PSCs are comprised of rough men, usually with prior-military or law enforcement experience and many who have served with Special Forces units or SWAT teams, and have survived combat situations. As such, managing them requires a very deft sense of leadership, proper training, experience and self-confidence. DS had the experience in Afghanistan, of contractors running rough-shod over DS Agents, who were unable to effectively manage or control assertive, high-strung contractors. The end results were personnel and morale problems, accountability of equipment issues and a break down of order and discipline within the ranks of the PSC.

To mitigate the possibility of such an event from reoccurring, DS expanded the contract requirements of its current HTP security contract, WPPS II, so that it provides very detailed guidelines concerning the contract requirements. However, such a document is useless if DS Agents are unfamiliar with contract particulars or do not have the requisite leadership skills to effectively manage/lead a HTP PSD. It would be very difficult for a young DS Agent, hired right out of college, with less than two years on the job, to effectively lead a PSD comprised of former U.S. military Special Forces personnel or ex-SWAT team members.

DS could off-set this leadership/experience deficit by providing Agents with leadership training during HTP training designed expressly to address the management of contract PSSs. Armed with leadership training, contract management training and other standard DS HTP training, a DS Agent would be in a much better position to interact and manage a contract PSD. This would certainly provide a better set of circumstances for both DS and the PSCs, than what is currently present in Iraq and Afghanistan.

Planning and Operational Issues

Like most of the previously discussed issues, the operational problems encountered by DS HTP Agents can be traced back to a lack of coordination and planning which adversely impacted the DS HTP mission. One of the surprising findings of this study was the absence of a centralized collection point of information concerning past DS operations, to include those in Iraq. There are instances where individual offices, to include the Office of High Threat Protection, have established their own individual

process for chronicling past events, but DS as a whole has yet to establish an agency-wide system of documenting past events. This lack of accountability is further aggravated by the fact that DS Agents traditionally change assignments (and skill sets) every two to three years, causing a loss of institutional knowledge throughout DS.

It is the recommendation of this thesis that that DS implement a formal reporting/after action process to document all DS operations. This process can be utilized to record problems encountered, as well as best practices. For example, one of the biggest operational challenges for HTP Agents in Iraq, was the command and control of PSDs as they moved through the Coalition battle space. The problem was mitigated by the establishment of a DS Tactical Operations Center (TOC), which served as the focal point for all PSD movements. For future HTP efforts, the planning, funding and establishment of a DS TOC must become standard operating procedure (SOP), but without a formalized reporting process, established SOPs run the risk of being lost or forgotten and will have to be "re-learned for future operations.

DS HTP and Transformational Diplomacy

On 16 March 2006, President Bush unveiled the country's National Security Strategy (NSS), which reflected the current administration's assessment of national security. The cornerstone of the 2006 NSS is the support of and development of democracy throughout the world. In support the 2006 NSS, Secretary of State Condoleezza Rice announced a new DOS policy, "Transformational Diplomacy," which is designed to re-allocate diplomatic efforts to emerging nations such as India, China, Egypt and Indonesia, as well as states such as Rwanda, Angola and Sudan.

The future of embassy security and the protection of DOS assets will be twofold. First, DS will continue to provide protection for “traditional embassies” Second, DS will face unprecedented challenges in protecting and securing embassy Mission assets in extreme risk non-permissive. To effectively support U.S. national security initiatives, DS will be forced to rely heavily upon Private Security Companies.

DS is an organization that is in a continuing state of transition, with a mission that continues to evolve with international events. DS operations in Afghanistan, Iraq and the recent deployment of DS HTP Agents to Liberia to protect President-Elect Johnson-Sirleaf, demonstrates the increasing need for experienced, well-trained and well-equipped DS HTP Agents to manage DS PSCs. The changing nature of the DS mission tends to leave DS in a reactive posture, responding to the crisis of the day, with little time for reflection (after action reports) and future planning. This inherently reactive condition must be overcome by senior DS management (its being done already at the division and office level – unfortunately in spite of senior management and future DS leaders if DS is to meet the coming challenges presented by the Department’s transformational diplomacy initiatives.

Today’s DS Agents wear Kevlar helmets, carry M-4 rifles and operate in non-permissive environments Battle Space side-by-side with the military in the conduct of U.S. foreign policy. They manage PSDs that employ crew-served weapons, grenade launchers and counter-sniper teams, and manage multi-million dollar contracts. Despite these facts, current DS training, policy and mindset do not reflect the realities that DS HTP Agents face conducting operations in the Sunni Triangle of Iraq. If DS is going to ask its Agents to serve in non-permissive environments, then it must study the lessons

learned in Iraq and realize that future DS requires a new breed of Agent-one that is proficient in the conduct of HTP operations and the management of DS PSCs.

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