

# A legalman's perspective of counterinsurgency contracting

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**Reinforcing** a commitment to reduce corruption and spur economic development, U.S. Central Command Commander GEN David Petraeus issued guidelines last fall to enhance oversight of contracting efforts in support of counterinsurgency operations in Afghanistan.

This oversight is being performed by the Joint Contracting Command, Iraq-Afghanistan with the able assistance of LNI Michael Rusinas, a navy reservist, currently filling an individual augmentee billet.

"We are a basically a joint task force composed of Army, Navy, Air Force and DoD civilians," LNI Rusinas explained. "We support the senior contracting official in Afghanistan and oversee 13 regional contracting centers spread throughout the country."

The work this office performs cannot be overestimated. In fiscal year 2009, NATO and the U.S. provided some \$14 billion worth of goods and services. The Joint Contracting Command's task is to establish effective procurement procedures to build and sustain a self-sufficient economy. Much of this work involves legal reviews of contracts to ensure compliance with U.S. and Afghan laws.

"The work is challenging as we face new and difficult questions in an ever-changing environment. Even the federal acquisition regulations do not always address every contingency encountered here" said LNI Rusinas. "This requires our attorneys to be hyper-vigilant in their contract reviews."

GEN Petraeus' guidance states that contracts should go first to Afghan firms or, if no local option exists, the company that is awarded a contract will be encouraged to hire native workers and subcontractors. These contracts not only produce Afghan products, but also generate employment and stimulate economic growth. The command has the authority to direct these acquisitions and measure their success.

"The money spent has accomplished great things, such as improving roads, power sources, commercial infrastructure, medical services and security efforts," LNI Rusinas observed. "Using counterinsurgency contracting concepts, we are helping Afghanistan build a durable economy."

The revised counterinsurgency contracting guidance notes that "money is ammunition" and that close attention should be given to the impact of spending and who benefits from it. GEN Petraeus' "Afghan First" policy is reaping huge benefits and the Kabul Milli Boot Company is a prime example according to LNI Rusinas.

"I recently toured the Milli Boot Factory and saw staff diligently cutting, sewing and shaping raw material into



LNI Michael Rusinas assists an Afghan worker during a tour of the Milli Boot Factory in Kabul. The factory is one of many "Afghan First" initiatives of CENTCOM's contracting efforts designed to spur local economic development and deter insurgent support.

combat boots that will supply local forces. The employees are clearly proud of their efforts and eager to produce."

The scale of contracting in Afghanistan represents both an opportunity and a danger. Private contractors provide a range of services including transportation, security and operating dining facilities at military bases. The challenge is to exercise proper guidance, avoid avarice, and win the loyalty of the Afghan people.

Accomplishing this sometimes means getting out of Kabul to assist judge advocates and meeting with intended recipients at the various regional contracting centers. In an underdeveloped land as Afghanistan, this can be a cumbersome venture as LNI Rusinas explained.

"Last fall, I served on a surplus acquisition venture team at Camp Leatherneck in the southern province of Helmand. Getting there meant a two-and-a-half day trip, and immediately upon arrival, we were bombarded with hundreds of questions on contract law. The end result was meaningful nonetheless because we were bringing a sense of order to these remote locations."

Providing security to the Afghan people is still the core mission of coalition forces. Counterinsurgency contracting, however, is clearly enhancing that mission by investing in the economy, developing the rule of law, and deterring Taliban influence among the populace.

"Essentially, we are trying to win this war by creating a viable economy, one that creates jobs so people can feed their families and not turn to violence," LNI Rusinas stated. "If the success of Milli boot factory is any indication, I believe the country will soon develop a strong economy and our mission here will be a success." ❁