Democratic Rollback and Contracting for War: Managing the Intent of Accountability with Technical versus Adaptive Solutions

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1 Paper presented at the Public Management Research Association conference, June 2-4, Syracuse University, Syracuse, NY. Please do not cite draft.
Abstract

This study examines the potential for democratic rollback when contracting for security, reconstruction, and development during wartime. The context for analysis is U.S. contracting in Iraq and Afghanistan from 2003-2010. The adoption of hybrid governance structures poses serious accountability challenges to the legitimate use of force traditionally reserved for government, as when outsourcing responsibilities to nongovernmental entities or individuals. This study evaluates the supply of institutions emerging to hold contractors accountable, including an overlooked accountability mechanism of interagency statutes. Interagency statutes are aimed at technical solutions for improving oversight of war contracting. Findings suggest that technical solutions have the potential to undermine the intent of accountability, as they do not consider what Heifetz (2003) theorizes as adaptive challenges, which are attuned to issues of policy alignment, procedural incentives, interagency dynamics and differences over how certain policy outputs are valued. However, when evaluating compliance problems, adaptive challenges can emerge, when a) credible venues of interactive dialogue are engaged, and when b) ongoing dialogue routines between the bureaucracy and elected officials keep the focus on adaptive work. In doing so, the intent of accountability can be reclaimed and sustained.
Democratic Rollback and Contracting for War: Managing the Intent of Accountability with Technical versus Adaptive Solutions

The phenomena of democratic rollback has been documented and studied in government systems around the world, with most attention being given to the usual suspects of fraudulent and unfair elections, the rise of corrupt judiciaries, and the rise of incivility in legislative institutions (Diamond, 2008). Few, if any, have considered how democratic rollback is experienced when accountability to other values—such as maintaining legitimate use of force in war zones--becomes lost in the crevasse of horizontal and hybrid governance, as when contracting-out governmental responsibilities to nongovernmental entities or individuals.

This study examines the potential for democratic rollback when contracting for security, reconstruction, and development during wartime. The context for analysis is U.S. contracting in Iraq and Afghanistan from 2003-2010. The occurrence and visibility of contractor-failures in these war zones has led the international community and U.S. elected officials to supply a variety of oversight institutions to address problems and failures. In recent years, however, attention has fixed upon the bureaucracy and, in particular, public agencies with significant responsibilities for awarding, managing, and monitoring wartime contracts, such as the Department of Defense, Department of State, and U.S. Agency for International Development (USAID). The public and elected officials are ever more concerned with lapses in agency oversight of nongovernmental firms and individuals performing wartime tasks in the name of the state, as they have resulted in unnecessary loss of life, billions of wasted tax dollars, and further reputational damage of the U.S. in international affairs. Therefore, the 'agency' point of view on wartime contracting oversight merits more attention in scholarship, especially concerning interagency statutes of accountability.

Elected officials have been increasing their use of statutes to compel the bureaucracy to adopt standardized methods of accountability with war contractors and, at times, between one another for monitoring activities. Yet agencies’ compliance with statutes remains very uneven. What explains this variation in compliance between public agencies responsible for implementing shared statutes of accountability? This question goes to the center of concern about the intent of accountability and whether solutions that emerge uphold that intent (Romzek, 2005; Johnston and Romzek, 2010).

Statutes examined in this study aim for accountability by producing technical solutions for standardizing the collection of war contracting information by bureaucrats. The argument, however, is that technical solutions, while servicing the value of expediency, may actually undermine the intent of

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2 Reconstruction is different from development in that reconstruction refers primarily to managing physical, social, and political infrastructures, while development refers primarily to matters of the economy (GAO, 2008b; de Nevers, 2009).
accountability by overlooking what Heifetz (2003) theorizes as adaptive challenges, which are attuned to issues of policy alignment, procedural incentives, interagency dynamics and differences over how certain policy outputs are valued. These challenges, along with how they are processed in the performance discourse, supply better explanations for why agencies have or have not complied with statutes in this arena. Whereas findings are relevant to the war contracting literature, they are broadly applicable to addressing how actions intended for accountability can lead to perverse outcomes of democratic deficit when mis-targeted as technical versus adaptive in nature.³

The study begins by first defining democratic rollback and the rationale for including the administrative state in the discourse. The second section examines the demand for institutions to hold war contractors accountable and the emerging supply of accountability institutions for war contractors in the literature. The third section applies Heifetz and Linsky’s (2002) model of adaptive disequilibrium to analyze the accountability and compliance experience of three federal agencies managing interagency statutes for war contracting. Final observations and recommendations for future research are offered in the last section.

Incorporating the Administrative State into Democratic Rollback

Diamond (2008) defines democratic rollback on a global scale as the recession of democratic institutions and practices taking hold in countries around the world, the undertow of which is so powerful even previously democratized areas have become subject to the natural predatory tendencies of rules and rulers. Whereas in most regions democracy is the favored form of government in principle, there is a crisis of confidence over whether politicians and those in other official offices are serving in stewardship of the public interest. These concerns are confirmed by even cursory evaluations of long-standing indicators of democratic institutionalism which reveal the increasing superficiality of phenomena such as ‘regular’ and ‘multiparty’ elections, the freedom to associate, and the organization of government under civilian constitutionalism, among others. Within this general discourse, however, it is rare to see the administrative state analyzed for its contributions to the rollback phenomenon. It occasionally appears in relation to narrow domains of policy implementation, as with abusive security forces or corrupt financial bureaus, but is more commonly regarded in generalities empty of policy content, as with ‘bloated bureaucracy’ or ‘incompetent administration’ (Goodsell, 2004). But whether vaguely or narrowly, administration is typically regarded in-passing to other issues deemed more

³ The rebuttal that technical solutions could be viewed simply as the first step to “muddling through” is often an ad hoc distortion of reality. It would imply some degree of awareness and intentional blueprinting of problems beyond their technical nature, which is the exception rather than the rule.
important. For this reason, we bring forward the administrative state and its role in managing the legitimate use of force in war.

The context of war is chosen because of its pervasive fiscal, psychological, and reputational effect on policy, policymakers and citizens. During wartime citizens will often rally around government leaders and allow policymakers considerable discretion. However, as military conflict continues citizens may tire of the financial commitment required and the likely mounting human toll. Likewise, the attention required during times of conflict pulls policymakers from other domestic and foreign policy priorities, ensuring that some problems are not addressed and may be left to fester. Support from allies may weaken and inhibit future partnerships. And of course the very uncertain nature of war and requirements of speedy decision making virtually ensure that serious mistakes will be made at all levels within the chain of command that will cost lives, treasure, and potentially threaten the very values for which a country espouses to be fighting.

The role of managing the legitimate use of force is viewed by scholars as that which “creates the bedrock condition for a stable domestic political order” (de Nevers, 2010; Avant, 2005, p. 3). From this domestic order, state military organizations serve as traditional state actors responsible for administering and protecting the bedrock of security, often exercising the position that a monopoly on the use of force is essential for providing this and other subsequent public goods (Singer, 2003; Nevers, 2010). This position, however, is being challenged as states erode their own monopolies by relying more on hybrid governance strategies to execute wartime objectives, as when contracting-out governmental responsibilities to nongovernmental entities or individuals.4

Outsourcing for war is not a new phenomenon. In fact, while hybrid structures of policy implementation abound, among the most prevalent for modern war is the relationship between states and private contracting firms and individuals who perform an array of military, security, and operations support functions (Camm and Greenfield, 2005). What is new, however, is the scope and magnitude of reliance on contractors to perform wartime tasks in the name of the state. For example, when looking at a recent history of military conflicts, the scope of contracting has evolved from focusing on “products”, such as weapons acquisition, to “services” including logistics support of deployed troops on military bases. Furthermore, the magnitude of contractor presence is reflected in data suggesting the proportion of civilian contractors to military personnel has grown from 1:10 in Bosnia and 1:2 in Kosovo, to

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4 This study takes the inclusive view that war contracting includes any firm or individual performing a task or delivery order issued by a government agency (Federal Acquisition Regulation, section 864, 1994; GAO, 2008b). Even with pending troop draw-downs, there remains a significant contractor workforce in place.

5 For a discussion of how government defines a contract manager and the private security function, see GAO (2008c).
approximately 1.5:1 in Iraq and Afghanistan (Uttley, 2006). Current ratios are higher in the last case (approximately 2:1), even accounting for surge policies affecting the count of troops and nonmilitary personnel performing stability and development operations (GAO, 2008b; 2009a).

The promises of contracting for government services are well documented in the literature, and include benefits primarily associated with expanded capabilities, cost-savings, and risk-sharing (Johnston and Romzek, 2010). Expanding capabilities has been an early and enduring argument for proponents of contracting, while the realization of contracting-out as a political rationale for smaller and cheaper government became popularized later, during the 1980’s (Eggers and O’Leary, 1995). The idea that market theory could predict cost-savings for government products and services through mechanisms of competition provided the basis of reform for how government conducted much of its business (Johnston and Romzek, 2010; Frederickson and Frederickson, 2006).

The pitfalls of outsourcing, however well documented in the literature, have spread with less fervor against the headwinds of government reforms that have institutionalized the values, practices, and philosophies of privatization over three decades. The promise of cost-savings has been overshadowed in many cases by unaccounted-for transaction costs associated with arranging and implementing the bidding process, crafting and circulating requests for contracts, selecting vendors, ongoing bargaining and negotiating over contract terms, managing disagreements, and most predominately, the tracking and monitoring of contractors and performance (Globerman and Vining 1996; Williamson, 1999). And the promise of expanding capabilities has overtime rendered unusable “administrative capacity and institutional history, which is critical and embedded within government”, not firms (Frederickson and Stazyk, 2010). Newer trends of contractors hired to oversee other contractors, as well as the spreading of outsourcing into areas of policy creation and program design (compared to goods and services), have reinforced negative tides of reform regarding crises of accountability and oversight (Koppell, 2010; Moynihan, 2010).

The contingency nature of war further magnifies these pitfalls in part when bid markets are weakly competitive (Van Slyke, 2003), allocations of risk between contractors and government are indiscernible (Miller and Whitford, 2006), incomplete contracts providing necessary flexibility also encourage opportunism and fraud (Johnston and Romzek, 2010), complex acquisitions common in war require highly specialized contract managers for oversight (Johnston and Romzek, 2010) and when the unpredictability of war destabilizes trust-building efforts which rely on ongoing interactions (Stoker, 1989). Beyond ideas offered in the general contracting literature, it is difficult to address these issues because specific war contracting literature focuses narrowly on private markets for weapons production, manufacturing, and research and development to their exclusion. While there is limited research on how
risk-assessment frameworks can be applied to analyzing complications of battlefield contracting (Camm and Greenfield, 2005), opportunities abound for systematic evaluation of questions intimately tied to war contracting, including confusion over military command structure when contractors are deployed with troops, ethical versus legal responsibilities of war contractors, the tracking of local-national contractors when faced with high turnover⁶, managing red-tape of contractor monitoring procedures, interagency communication mechanisms for selecting contractors for tasks already being performed by another agencies, and implications for contract performance in light of the combatant status for contractors according to international law.⁷ Together these examples converge on issues of accountability that can surface in hybrid governance.

Contracting-out for war carries with it considerable accountability concerns and negative externalities. The externality with which scholars should be most normatively concerned is the accountability of contractors by government agencies for actions taken in the name of the state (Frederickson and Stayzk, 2010; Chesterman and Lehnardt, 2007; Heritier and Lehmkuhl, 2007; de Nevers, 2009). However, it is difficult to analyze this issue directly without first acknowledging the complication that most states neglect to take elemental steps to institutionalize the monitoring and reporting of even basic information about war contracting, such as the number of contract personnel, the number and type of contracts and obligations of public funds, and the number of contractor-deaths and injuries. Without an organized and consumable record of this information, governments are compromised as to their knowledge of the overall war contractor landscape, much less how to detect problems and craft policy solutions for system improvement. Absent remediation by a supply of institutions to regulate war contractors, this knowledge gap is only likely to expand as states grow more reliant on contractors to perform wartime functions. Therefore, the analysis of the crisis of accountability begins at this basic stage.⁸

In conclusion, this section establishes the potential for the administrative state to contribute to democratic rollback when adopting hybrid-governance structures of outsourcing for war apart from reliable safeguards of accountability. The next section begins conceptually organizing war contracting

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⁶ This issue was further elevated as a concern after recent events with Bin Laden’s death this month; there are new difficulties with managing local-national defectors of the Taliban.

⁷ It is notable that whereas research is missing in many of these areas, security, reconstruction, and development contract workers are issued practical guidance vis a vis reports based upon field experiences (GAO, 2008a). It is important, however, that scholars organize and evaluate field experiences as data, using analytical frameworks, to lessen the risk of faulty or incomplete inferences or conclusions provided in such materials.

⁸ A more provocative, precursor crisis of accountability is whether states should perpetrate conflicts which require such reliance on private contractors; this is beyond scope, but nonetheless important.
problems according to features that make them adaptive in nature, rather than technical, while also introducing the rise of interagency monitoring failures.

The Demand for Institutions to Regulate War Contracting

What motivates demand for regulation of war contractors in Iraq and Afghanistan in recent (decade) contingency operations? This question is important for understanding later the supply of institutions emerging in response to demand, including the most recent issuance of U.S. interagency statutes of accountability by elected officials. Along with the overall growth of war contractor personnel overtime, the responsibility deficit of war contractors, and those agencies charged with their oversight, has primarily driven demand for regulation, and is indicated by three main components: contractor personnel incidents, pitfalls of contractor-economy, and questionable use of contractors for government leverage.

Personnel Incidents. Personnel incidents involving war contractors garner public attention given their coverage in mass media, especially when they occur outside of forward positions in war theaters of host countries. Public attention to these incidents can also raise the attention of political overseers, as they call for hearings, audits, reports, and policy changes (May et al, 2008). These political responses can be cursory and symbolic, or they can become fundamental components of actual policy change. A widely discussed example is the Nisoor Square incident with Xe/Blackwater contractors in Baghdad, whereby private security forces opened fire on civilians, resulting in the death and injury of noncombatants. Whereas incidents like this are rightly evaluated as egregious in nature, they become particularly damaging because they also undermine the current methodology of warfare—counterinsurgency—which emphasizes a mission of building public trust of occupying forces and their allies by civilians in the host country (De Nevers, 2009).

As a result of both moral and mission failure, this incident elevated the scrutiny under which war contractors writ large were operating according to host countries, international laws, and U.S. domestic laws. Furthermore, reverberations from this incident were not contained as simply a breach of business protocol between a security firm and its employees who were providing security detail for diplomats. If that were the case, then technical corrections based upon existing standard operating procedures could have been used by management to steer employees toward sufficient adjustments, without requiring much in the way of changing attitudes, values, and priorities (Heifetz, 2003).

9 The Department of Labor database of contract personnel is one source of information on contractor personnel, but data are underrepresented. (GAO, 2010b).

10 This speaks to how firms contracted by government manage values-pluralism, i.e. between private sector firm values and public values held by government agencies, which are also differentiated (Goerdel and Nabatchi, 2011).
Technical corrections, however, were insufficient as the problem reverberated beyond containment. The scrutiny of the host country, Iraq, began by first conducting hearings about how to hold all international contracting firms accountable for civilian deaths, as well as how to manage immunity protections from Iraqi law for acts performed by war contractors before and after the installation of the Coalition Provisional Authority. Secondly, legal advocates within the international humanitarian community began appealing for clarifications about combatant/non-combatant distinctions of war contractor employees to determine whether they should be held accountable for war crimes, or not (Chesterman and Lehnardt, 2007; de Nevers, 2009). Finally, the Department of Justice identified serious gaps in regulatory frameworks for investigating and prosecuting war contractors beyond individual-level indictments.

Far-reaching reverberations from this case exemplify the adaptive, rather than simply technical, challenges facing contractors and agencies responsible for oversight. Adaptive challenges require more than the application of existing expertise; adjustments are required from numerous places in the system, often creating pressure to upend entrenched norms, behaviors, and priorities. Anxieties experienced by those dealing with adaptive problems come from uncertainty, risk, and instability associated with experimenting and institutionalizing changes beyond known technical solutions (Heifetz, 2003). The disequilibrium caused by these factors results in either productive or nonproductive distress; and, in this study, nonproductive distress is what can undermine the intent of accountability. Nevertheless, whereas technical corrections can be appropriate in certain circumstances, when applied to adaptive challenges they become seductive, short-term remedies, rather than long-term solutions; distractions from assessments of reality; diversions resistant to learning and change; and in the worst case, they can institutionalize sabotage.

Contractor-economy. Assessing whether a problem is technical versus adaptive in nature can be confusing, especially given that the distinction is rarely discussed consciously in those terms. This is illustrated when examining the second source of demand for regulation of war contractors: managing pitfalls of the contractor-economy. The contractor-economy includes the pre- and post-award decision making environment (e.g. Is the bid market populated and competitive? Does the post-award management environment signal against waste and fraud?), contractor labor-economy (e.g. Is there an adequate acquisition workforce? What is the general condition of the supply and demand of contractors and contract-administrators?), and consequences of contracting on economic development (e.g. How does contracting contribute to a state’s overall economy?).

First, in the context of war contracting it can be difficult to populate bid markets with vendors approved and capable of performing what governments are requesting. Examples include requests for
logistics-support of government employees deployed to military bases, which entail services that have to remain bundled if the benefit of services-integration is to be achieved.\textsuperscript{11} Few private firms can respond to such requests. In theory, the obvious pitfall associated with noncompetitive bids is the loss of potential cost-savings inherent to market forces (Johnston and Romzek, 2011). However, the major pitfall arising in practice is the capture of capabilities by particular firms that are repeatedly awarded contracts despite cost overruns, unethical business practices, and even fraud.\textsuperscript{12} For instance, the most recent legislative audit of contracting fraud in the Pentagon reports that from 2007-2009 the Department of Defense awarded approximately $300 billion in contracts to nearly 120 contractors found liable of either civil or criminal fraud (Amey, 2011). Despite having released this report, an evaluation of testimonies by defense officials at hearings for the Commission on Wartime Contracting in early 2009 indicated themes favoring technical corrections in response to these events; that is, the problem of awarding or renewing contracts to irresponsible service providers was regarded mostly as a matter of improving oversight with better IT tracking systems (Shays and Thibault, 2011).

While there is little disagreement that common IT platforms for tracking the performance of war contractors overtime and across agencies are important, the focus on technical solutions failed to give way to consideration of more serious adaptive work. The seductive appeal of short-term remedies distracted from understanding which new authorities and types of expertise would be required to incorporate information into actual decision making, the cultural adjustments needed between agencies to overcome distrust of information not originating from within, and modifications in attitudes towards the value and priority of collecting, sharing, and using contractor information relative to the cost in effort of doing so (Heifetz and Linsky, 2002). Overall, this reveals how the intent of accountability can be undermined when problems and solutions are too narrowly identified as technical versus adaptive in nature.

The contracting literature would also suggest that when faced with noncompetitive markets, administrators should direct existing authorities and resources towards “market management” strategies (Donahue, 1989; Brown and Potoski, 2004; Graddy and Chen 2006). These strategies include “contacting fellow professionals, conducting market research to find suitable vendors, exerting efforts to sustain weak and vulnerable existing contractors, and carving up geographic and service features to

\textsuperscript{11} For instance, bundled services include supply operations, such as the delivery of food, water, fuel, spare parts, and other items; field operations, such as dining and laundry facilities, housing, sanitation, waste management, postal services, and recreation activities; and other operations, including engineering and construction, support to communication networks, transportation and cargo services, and facilities maintenance and repair (GAO, 2007).

\textsuperscript{12} Recall early conflicts with KBR/Halliburton, and recent concerns over LOGCAP IV (logistics capabilities) contracts with DynCor KBR, DynCorp and Fluor.
maximize the number of potential contractors” (Johnston and Romzek, 2010, p. 14). Unfortunately, without adaptive adjustments to match the unique conditions of war contract markets (described earlier), these strategies would distract from much-needed assessments of reality.

Second, aspects of the contract-economy dealing with labor markets for oversight also underscore problems with accountability because of confusion over technical versus adaptive problem solving. Oversight agencies argue that the supply of government contract managers is not adequate to meet the demands of accountability for oversight. This criticism has also captured the attention of external examiners, as the technical solution of hiring more contract managers has become a dominate recommendation within performance audits of war (GAO, 2009b; 2010c). The problem with this myopic view, however, is that some agencies are taking this problem and “solving” it by contracting-out the oversight function. For instance, in 2008, a GAO study reported that nearly half of those responsible for procuring goods and services through contracts within the Army were contractors, themselves (GAO, 2008a). Thus, while the “solution” was successful in meeting practical oversight needs, it further weakened government’s position of authority in the contracting relationship overall. This outcome is but another representation of undermining accountability; this time, by eroding the enduring structures of accountability by the state. Eroding or replacing structures with those outside the shadow of hierarchy (as when contractors are hired to oversee contractors), is an illustration of how the legitimate use of force by government can be institutionally sabotaged overtime (Heifetz and Lipsky, 2002).

Finally, the consequences of contracting on economic development in host countries raise several adaptive, versus technical, challenges. In the contingency environment of war, government agencies try to contract with local-nationals and nearby third-party nationals to save on expenses, enable more efficiency in actions, and to capitalize on local knowledge for success in implementation. In fact, the three central agencies involved in war contracting have adopted principles of contracting in preference of locally based companies and individuals for security, development, and reconstruction. Problems arise, however, when local-nationals face threats for doing business with occupying forces, civilian government workers, and their allies (GAO, 2008c; 2010d). This leads to high turnover in contract personnel, uncertainty about whether funds indirectly support criminal patronage networks, exponentially higher rates for goods and services due to hazard expenses, and in some cases, mission failure. Despite these pitfalls, it remains popular to continue with a doctrine of locally-based contingency contracting. This is in part because the disequilibrium accompanying most alternatives is intolerable at this time, (Heifetz, 2003), and also in part because the doctrine serves broader purposes.

The other main argument is that contracting locally supports the mission of counterinsurgency by using the broader economic system to shape positive perceptions among local publics. This is done
by promoting industries with immediate and durable growth potential, such as agriculture, food processing, and construction, as well as helping institutionalize fair wages and price approaches that are more resistant to shocks and inflation (ISAF, 2010). While these approaches seem more adaptive in nature, it is unclear whether they are sustainable. War contracts can create a false economy of production and consumption that is not likely to persist in their absence. The false economy can also socialize firms to an economic operating environment that shares little in common with “home” characteristics once forces leave. Therefore, if changes in the economic system are false and not internalized by those left to continue the work, Heifetz (2003) argues that sustainability is not likely. For these reasons, when reviewing the balance sheet for war contracting and economic development, the pursuit of good will and public trust using a local doctrine should be viewed in light of practical oversight and accountability challenges, as well as longer-term implications of economic (in)stability.

**Questionable leverage.** The third, and final, source of demand for war contracting regulations comes not necessarily from government, but from those advocating for formal designations of, and controls over, private military and security companies (Walker and Whyte, 2005). Even the reverberations from Xe/Blackwater stop at the edge of proactive government leadership to codify in law the permissible behaviors of private security firms in active war theaters. De Nevers (2009) offers the explanation that contracting states have less incentive to advocate for more controls because it would mean constraining the state’s ability to “use intermediaries to do things the government would rather not acknowledge publicly” (p. 235). While leveraging contracting assets for the purpose of enabling military and development personnel to work on core missions is commonplace, the questionable use of contractors to leverage against having to publicly acknowledge direct involvement in unpopular actions fuels suspicion of government purposes. Furthermore, it intentionally bypasses accountability by never engaging it to begin. This broader point is illustrative of why disingenuous actions by contractors and oversight agencies must also be considered when analyzing failures to uphold the intent of accountability. Without visibility and public scrutiny, it is unlikely attention will be brought to tough questions, or that important conflicts will surface and give way to adaptive problem solving.

Taken together, these three factors of responsibility deficit – contractor/oversight incidents, pitfalls of the contractor-economy, and questionable use of contractors for government leverage – provide sources of demand for regulation of war contracting. These factors also illustrate obstacles to accountability using frames of technical versus adaptive problem solving. The next section evaluates responses to these demands.

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13 This can be seen from a different vantage point as United Arab Emirates (U.A.E.) has planned to deploy its’ private army lead by US/UK firms (Blackwater Worldwide) to “face unrest…by pro-democracy protests like those sweeping the Arab world this year” (Mazetti and Hager, 2011, p. 1).
The Supply of Institutions to Regulate War Contracting

The supply of institutions emerging in response to demands comes from a variety of sources, including from within the war contracting industry, from government, and from outside international entities. They include self-regulation of wartime contracting firms, fire-alarm oversight, contract law and legal tools, international laws and agreements, and interagency statutes. These responses are mostly reactive in character and predicated on robust monitoring mechanisms to ensure their effectiveness. The first four responses have been addressed in the war contracting literature, though often not as the central subject. The fifth response – use of interagency statutes -- is a perspective not yet considered until this study.

Self-regulation. First, self-regulation is a form of voluntary governance “in which private actors design industry guidelines outside the governmental decision making arena” (de Nevers, 2010, p. 220). Self-regulation offers a way for private sector actors to minimize top-down regulatory interventions by the state, if they exist, and to delay new interventions. The assumption is that private firms prefer to avoid the ‘shadow of the state’, relying instead upon self-determined standards of compliance. For many firms, this entails adopting self-regulatory frameworks capable of addressing issues considered important by government and the public, and not solely by the industry. The primary benefit of this form of governance is industry survival and prosperity based upon collective understandings of what constitutes acceptable business behavior, and what does not, while quelling pressures for more formal regulatory involvement (Gunningham and Rees, 1997; Hautler, 2001; De Nevers, 2009).

The problem with this approach is the assumption that firms within an industry are capable of converging on standards of behavior, and that accountability to standards is thus enforceable (Newman and Bach, 2009). Monitoring for compliance among firms requires inspections, audits, trust, and resources to support sanctions and rewards. It also requires participating actors to yield competitive advantage, in some cases, in exchange for collective verification of agreed-upon conduct. When self-regulation fails, it is typically because of issues confounding accountability, such as the high transaction costs of monitoring; the level and type of involvement by the state as a third-party monitor (Prakash, 1999); the regularity of required reporting; the imbalance of reactive versus proactive postures of evaluation (de Nevers, 2010); and, the deficient application of punishments in the knowledge of broken agreements.

In the case of war contracting, self-regulation has not produced results. For example, in a comparative study of self-regulated private security firms from the U.S. and the U.K., findings reveal that

14 Industry firms can also establish credibility and methods of certifying their reputations through agreed-upon guidelines of behavior.
effectiveness consistently folded beneath the inability to establish monitoring and sanctioning methods among members (Newman and Bach, 2009; Nevers, 2010). Furthermore, the use of umbrella-associations to coordinate self-regulatory functions is unproductive, as when having to implement sanctions against participants upon which they rely for membership dues.

*Fire-alarms.* Secondly, the fire-alarm approach to war contracting presents similar challenges to accountability. Within this approach, governments may choose to enable citizens and interest groups to broach concerns about organizational behaviors, thus ‘raising the alarm’, rather than become involved directly with formal regulations (McCubbins and Schwartz, 1984; De Nevers, 2010). Key assumptions that make this approach effective are the presence of outside observers, visibility of organizational behaviors, and credible methods for registering complaints once observed.

All of these assumptions are compromised in war. De Nevers (2010), for example, argues that “relying on others to ‘catch’ bad behavior is unrealistic when much [contractor] business takes place in war zones, where few independent observers can monitor their actions or bring complaints. Moreover, not only civilian and NGO’s but also the U.S. military have had difficulty determining which companies different contractors work for” (p. 229). Furthermore, high rates of turnover with local-nationals make tractability difficult, if not impossible. War business conducted within the U.S., as with strategic planning and mobilization of resources, can also be obscured from observation by the public and interest groups because of its ‘national security’ designation. Therefore, apart from insider whistleblowing, which has garnered more attention recently, the accountability potential of the fire-alarm approach is dismal.

Overall, despite their dismal performance, the prospect of fire-alarms and self-regulation are attractive to government because of negative costs associated with direct intervention. Imposing a ‘shadow of hierarchy’ through direct involvement can also result in levels of disequilibrium unacceptable to public agencies, leading them to avoid or delay the adaptive work inherent to the task, rather than aim for a condition of productive distress (Heifetz, 2003).

*Contract law, legal tools.* The third response to demand is development and use of contract law by the state. Legal approaches to war contractor accountability further characterize the reactive posture of states towards irresponsible war contracting. Whereas contractors can be prosecuted in civil and criminal courts, oversight agencies have been slow to use the legal system to signal against certain behaviors taken in the name of the state. Federal agencies report on their hesitation in cost-benefit terms, as well as in

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15 This argument exempts media attempts to oversee war planning at home and activities abroad; and, in fact, oversight agencies and elected officials have come to rely on certain media reports for discoveries and information about contractor personnel incidents beyond their observation.
terms of the complexities involved with referring, investigation, and adjudicating war contracting. For instance, the cost of vetting case referrals using investigative powers of inspectors general is fiscally unsustainable. Therefore, agencies have developed differing protocols to manage incoming referrals based upon specialized knowledge of cases and their own resource position (Shays and Thibault, 2011 2011). The complexity involved with engaging contract law is further demonstrated in the fog of formal and informal authority relationships guiding how agencies organize legal processes to hold offending firms accountable, while at the same time providing for due process.

This is especially evident with the legal tools of suspension and debarment, which have become popular among elected officials as they call upon agencies to use them more frequently (Shays and Thibault, 2011). Despite their political popularity, agencies remain hesitant to apply these mechanisms, as they inherently rely on reactive, ad hoc reporting and case referral; they require a broad constellation of fiscal and human resources, as well as collaborative capacity to navigate; and, in the most dangerous sense, they have the potential to compromise the local-doctrine approach to war contracting if not applied appropriately in context (Ginman, 2011; Blalock, 2011). If agencies continue to avoid the use of contract law, it is unlikely these challenges will be brought to the fore necessary to establish the learning threshold from which solutions often emerge (Heifetz and Linsky, 2002; Heifetz, 2003).

*International humanitarian law.* The fourth response to demand for war contracting accountability is the application of international humanitarian law to contractors and the states that use them to exercise use of force. If states are hesitant to engage domestic-based legal tools, as illustrated above, they are even more reluctant to invoke international humanitarian laws and agreements as means for regulating contracting in war zones. This has been recently evidenced by the U.S. and U.K. withholding their signatures from agreements intended to expand international laws into more direct territory governing private security firms (Chesterman and Lehnhardt, 2007; Chesterman, 2008). The lack of agreement by the two countries sponsoring the highest proportion of private security firms globally signals the

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16 For instance, the way in which referrals are received and processed indicates differing cultures of legal activism generally, and with war contractors particularly. In this case, legal activism does not necessarily infer an ideological commentary. Instead, an analysis of government documents suggests federal agencies that appear active may in fact have more designated avenues of case-referral, raising overall workload when compared to other agencies (Shays and Thibault, 2011, and testimonies therein).

17 Inspectors general across DoD, State, and USAID report taking a more moderate approach when deciding whether to suspend or debar contractors from local Afghan and Iraqi firms. The rationale is that a hardline approach could result in fueling insurgent hostilities and further promote the image of ‘aggressor’ warfare, rather than security, development, and reconstruction. Instead, government officials use administrative remediation plans and alternative dispute resolution as firms learn and adapt to the system of expectations (Fiore, 2011; Harrington, 2011).

18 These include, for instance, Hague conventions, Geneva conventions, Rome statutes, and a selection of human rights law protecting against wartime brutality (Chesterman, 2008).
complex incentives at play for accountability. States prefer the status of contractors be left undefined, and accountability for contractor behavior to remain at the national level, not within the international legal community. Despite these preferences, states have been more willing to assent to the Swiss-driven Montreaux Document which reminds (rather than legally codifying) states of their responsibilities to the international legal community for those executing use of force on their behalf.

Whereas the military is expected to act in ways consistent with war conventions, protocols, and statutes for actions during wartime, the rise in firms selling military services has called into question the accountability relationship between military personnel and contractors, as well as between contractors, sponsoring states, and members of the international legal community (Chesterman and Lehnardt, 2007). Finally, these issues unearth broad concerns of how state authority is threatened first by the decision to contract, and then again when contracting arrangements require involvement of additional centers of power.

Interagency statutes. An important thread to recognize at this point is that each of these responses negotiates differently the authority of government with war contractors; the accountability role of government shifts from central to peripheral. For example, self-regulation and fire-alarm approaches place government primarily outside of the accountability system, whereas contracting law and legal tools position government more centrally, although in a stance that is mostly reactive. Furthermore, international and humanitarian laws can diffuse the self-determination of government in their authority relationship with war contractors. These patterns of negotiated authority are important as governments account for responsibility deficits of war contracting under public and political scrutiny. There is, however, a strategy for managing authority that has been largely overlooked, but which repositions government more centrally: the use of interagency statutes for oversight.

Interagency statutes are issued by elected officials with the rationale that top war-procurement agencies in Iraq and Afghanistan can make gains in oversight by working together to address similar challenges. Gains are achieved through realizing efficiencies, as well as through creating certain redundancies. For the time period under examination in this study (2003-2010), the primary aim of interagency statutes has been to improve the process of monitoring and reporting information about war contracting by federal agencies. These statutes predominately offer technical solutions to streamline IT systems among agencies. However, uneven compliance points to uncertainty about whether the strategy goes far enough to uphold the intent of accountability or if, alternatively, it undermines intent by “lowering the temperature brought on by demands” (Heifetz and Linsky, 2002 p. 109).

19 In 2007, Secretary of Defense, Robert M. Gates, issued field guidance to military commanders on how to interact with contractor personnel in ways attuned to domestic and international laws, but which also promoted the methodology of counterinsurgent warfare (GAO, 2010g).
On the one hand, lowering the temperature can hold demands and disequilibrium at bay, buying agencies time.\textsuperscript{20} On the other hand, lowering the temperature can lull agencies into inaction by avoiding challenges that bring attention to tough questions beneath the surface. Without experiencing disequilibrium, however, agencies are unlikely to encounter their thresholds for learning, upper limits of tolerance, or productive limits of distress located in-between these limits. These are key elements of Heifetz and Linsky’s (2002) disequilibrium model of adaptive work, and it is within the range of productive distress that we propose the intent of accountability can be realized (See Figure 1).

The next section of the paper uses the model to conduct a \textit{general} comparison of where the supply of five institutional responses register with respect to the productive range of distress for managing adaptive challenges of war contracting. Secondly, a \textit{specific} assessment uses thematic discourse analysis to identify compliance problems and maps the accountability experience of an interagency statute for three federal agencies, overtime, according to the model.

\textbf{Analytical Approach}

The overarching contention of the paper is that technical solutions, while servicing the value of expediency, may actually undermine the intent of accountability by overlooking what Heifetz (2003) theorizes as adaptive solutions, which are attuned to issues of policy alignment, procedural incentives, interagency dynamics, and differences over how certain policy outputs are valued. Insights from earlier discussions of demand for regulation, as well as the supply of institutions emerging in response, have expanded the argument to include how the intent of accountability can thus be realized according to the disequilibrium model of adaptive work offered by Heifetz & Linsky (2002).

In \textit{general} comparison, the first four institutional responses fall short of capturing the intent of accountability for war contracting, but each does so by different means. Figure 2 highlights this point. From the perspective of the state, fire alarms and self-regulation are avoidance solutions which make the role of government peripheral. On their own, these approaches fail to reach a threshold of learning because they either sabotage their own ability to adapt to assaults on core assumptions associated with their workability (e.g. self-regulation and the inability to establish monitoring and sanctioning methods among members), or they fail to internalize challenges posed by the environment (e.g. the visibility of an organization’s behavior is not practical in war zones, making fire-alarm oversight difficult, or impossible).

Secondly, contract law and legal tools could be powerful accountability mechanisms if agencies were not hesitant to use them. Confusion over legal processes, resources, and the fog of authority

\footnote{This could mean extending only slightly the time until organizational death (Kaufman, 1991), or it could mean buying time to find ways to engage the more intensive adaptive challenges.}
relationships create diversions that discourage issues from reaching the forefront necessary to discover the learning threshold from which solutions begin to emerge. It is notable, however, that the current Congress is bringing conflicts to the surface by encouraging the use of suspensions and debarments, in particular. This is “raising the temperature” to levels that may compel agencies forward into a productive range of distress to discover resolutions for their use.

Finally, the state either opts out of considering international humanitarian laws in questions of war contracting, or they symbolically agree to minimum standards as a way of keeping the heat, and therefore pressure, reduced. Thus, this strategy is relegated a technical action, or worse, a tactic for institutionalizing avoidance.

Each of these approaches encounters difficulties with managing adaptive challenges of accountability and falls short of accessing a productive range of distress to manage associated disequilibrium. In doing so, the intent of accountability is liable to be undercut. The final strategy of interagency statutes is examined specifically using thematic discourse analysis to identify compliance problems, and then maps the accountability experience of an interagency initiative for three federal agencies according to the model, overtime.

Compliance Discourse Analysis

Thematic discourse analysis is a theory driven methodology which focuses on evaluating the occurrence of various themes in text documents, whether books, official documents, or transcripted interviews. In this study, thematic discourse analysis is the first step for identifying themes of compliance among agencies under the authority of legislative statutes to work together on issues regarding monitoring and reporting information in war contracting. Three different types of texts are used. First, transcriptions of committee hearings involving key agency officials are included. Committee hearings are particularly useful in discourse analysis, because they are recorded in venues where key actors are engaging with one another, rather than simply reporting their position or point of view in isolation. The context of congressional committee oversight is inherently antagonistic, with strict rules governing the exchange of information, ideas, and reactions.

Second, written testimony is used, which is offered by key officials from relevant federal agencies invited to participate in congressional or executive hearings. Whereas testimonies are entered into the official record, they provide insights from the view of the individual agency or unit. Third, independent performance audits of federal agencies are also included within the analysis. They are beneficial, in theory, for offering a more unbiased, nonpartisan view of agency behaviors for the benefit of policymakers. Finally, agency-level reports, such as those released by inspectors general offices, are
included as a way of capturing additional agency-specific aspects of the topic. Taken together, ninety-six official documents are categorized and analyzed for this study according to themes in compliance discourse. Although not reported in this paper, these themes also improve the development of word-banks and coding strategies for content-analysis of compliance and other information relevant to theory and the model of disequilibrium.\footnote{21} 

In the context of interagency statutes designed to hold oversight agencies responsible for war contracting, key findings from discourse analysis are that compliance is represented in negative terms by elected officials as a top-down imperative carrying legal, moral, and ethical implications in the context of failure. Usually this imperative is embedded within the role of the administrator, rather than embedded within an interpersonal context, and it communicates expectations held by elected officials for those in different bureaucratic roles. Despite efforts to depersonalize compliance failures by using ‘role’ versus ‘person’, there is still adversarial use of rules by elected officials governing the exchange of information.

The next three representations of compliance are generated by agency officials. The first dimension is the degree of policy alignment that exists between a single agency and what is required by the statute, and the degree of alignment among agencies required to work together by law. In this way, policy alignment is not surprisingly discussed in terms of existing congruence, or in terms of distance. A less obvious representation of policy alignment is agencies reporting on themselves as leaders or laggards in alignment efforts. This usually occurs in the context of external performance audits, as they shape external perceptions of their compliance disposition, as well as perceptions held by one another.

The second dimension of compliance is procedural blame between agencies responsible for collaborating on war contracting accountability. Agencies position their compliance behavior against procedural barriers erected by other agencies with which they work. Therefore, noncompliance is not an “us” problem, but a “them” problem. It is notable that this particular representation is often inferential in nature, rather than overtly accusatory. Procedural blame is also grounds for agencies to stake normative positions of value and “taking the high road”, when compared to others, as a way of diverting attention from noncompliance, or elevating the act of compliance as something exceptional in nature, rather than what is fundamentally expected. Conversely, the same end is achieved through less sinister means when agencies use auditing venues to genuinely praise their collaborators in order to build stronger bonds capable of withstanding criticism about procedural obstacles for compliance originating from other agency partners.

\footnote{21} A catalog of texts, as well as quotes for various compliance dimensions is organized in a draft appendix and available upon request. For this paper, only highlights of central representations of compliance are introduced.
The final dimension of compliance captures differences in how agencies value interagency efforts to monitor, collect, and share war contracting information. This is represented primarily in terms of organizational identity: what an agency is known for, what they are historically good at accomplishing, what their core values encompass. In this instance, noncompliance is represented in terms of “justification”, as when agencies base their noncompliance on how interagency statutes encroach upon existing norms and systems of operation, or upon their reputation. Value differences are also represented in terms of distrust among agencies, as with devaluing the merit of shared-information that does originate from within. Finally, “value” is regarded as a superficial artifact by agencies as yet another interagency initiative promoted by politically rational elected officials, rather than based on scientific rationality and feasibility.22

In conclusion, thematic dimensions of compliance from discourse analysis provide a range of representations accounting for uneven implementation of interagency statutes by agencies under authority to participate. However, this step has to be further integrated with the disequilibrium model to best understand the stakes associated with the intent of accountability in these processes. Therefore, the next step is to use this information as part of mapping the accountability experience of an interagency statute implemented by three federal agencies primarily responsible for managing accountability of war contracting in Iraq and Afghanistan over (nearly) the last decade.

Applying SPOT to the Disequilibrium Model of Adaptive Work

In 2007, deliberations moved forward on how the state would improve its oversight capabilities of war contractors in Iraq and Afghanistan. This, however, was not the starting point. From 2003-2006 billions of dollars were awarded by the government for contracts in the two war theaters without the same scale of concern for overseeing its use. The time between 2007 and 2009 was significantly different regarding the attention contractors were attracting. As mentioned in earlier sections of this study, a number of brutal contractor incidents, discoveries of fraud, and misuse of funds, led to changes in oversight infrastructure. Actions were taken by government in response to this, including use of overlooked mechanisms of interagency statutes. In 2008 an interagency statute was ordered requiring the top three war-procurement agencies – Department of Defense, Department of State, and U.S. Agency for International Development – to develop and sign a memorandum of agreement (MOU) for identifying databases and technological repositories capable of tracking basic information about the

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22 An important related point is that although agencies contest the value of what is produced through compliant behavior, cynicism towards government accountability for war contracting is not evident. Instead, agencies present their concerns in terms of how the virtue of accountability is esteemed in the process, not whether it should be valued in the first place.
number and type of contracts awarded in Iraq and Afghanistan, the amount of obligated funds, and the number of contractors killed or wounded (GAO, 2010d; 2010e; 2010f). The MOU was signed by these top agencies in 2008 and was primarily billed as a technological solution to the adaptive challenge of monitoring, collecting and reporting information on war contracting.

The language of the statute relays the importance of relying on existing structures and knowledge to make inroads for efficiency’s sake, and more importantly for the sake of expediency. For instance, the time between when the statute was adopted and the time that full implementation was scheduled to occur was only eighteen months; an ambitious target even in the context of single-agency implementation. Whereas practical and technological issues stood in the way of compliance, it became evident through oversight hearings, testimonies of top agency officials, and independent performance auditors that uneven compliance could not be solely attributed to these issues, but rather also to challenges more adaptive in nature.

The key feature of the MOU, was the designation of the Synchronized Pre-Deployment and Operational Tracker (SPOT) as the common database and IT system for collecting contractor information across agencies (GAO, 2009a). Performance audits of the technical solution of SPOT implementation were critical of agency compliance and therefore led to additional audits for the purpose of better understanding the compliance problem. In doing so, these additional assessments unearthed a number of adaptive challenges including those attuned to policy alignment, procedural blame, and value assessments held for what the statute required in terms of output (collection of information of war contracting). These challenges, now identified, held the potential for disequilibrium and distress, which if left unattended would likely undermine any attempt at accountability overall. The identification of compliance problems thus provided a lens from which agencies and elected officials could evaluate the problem more reflectively. Therefore, while initial efforts to turn down the temperature coming from demands for more regulation led to adoption of a technical solution, domestic structures of political oversight provided the necessary venues (hearings, audits, reports) for elected officials and bureaucrats to interact on accountability, compliance, and performance.

The adaptive challenges exposed by compliance records, and then deliberated in decision making venues, pushed upon the threshold of learning for agencies under the statute’s authority. The result was an interactive dialogue that yielded a significant discovery: the message from oversight agencies was that the statute, and therefore the MOU, did not have as its guiding principle considerations for how information should be integrated into decision making and management processes, whether making use of war contractor information for themselves, sharing with other agencies, or in response to information requests from other government officials. Expectations over end-use of information were left all but
undefined, with the exception that agencies were expected to produce data reports on the spot, if requested by elected officials. Although agencies had diverged on issues of compliance, they all converged on uneasiness with not knowing how reports would thus be used and what the information-sharing infrastructure would look like between agencies (GAO, 2010g).

This last concern raised important implications for interagency dynamics, such as potential changes in authority structures, acquisitions of new expertise, exposures to risk, assessments of priorities, judgments about competence among partners, adjustments to new reporting structures, and challenges associated with loyalty among agencies – some of which were deeply embedded from decades of experience working together on numerous tasks.

Lastly, crucial links were missing within the interagency statute between what elected officials had been reporting as “contract failures” and what became the actual content of the statute; the lack of accurate information on contracts was argued to be impeding agencies ability to do things like create realistic budgets, and avoid paying for duplicative services. Yet the content focused on IT systems of information collection to the exclusion of how to remediate such failures with interagency use of that very information. Therefore, pushing for more compliance (on the basis of integrating SPOT systems of technology across agencies) without confronting adaptive challenges about use of information, as described, was unlikely to position agencies within the productive range of distress necessary to capture the intent of accountability.

Two years after adopting the interagency statute, an evaluation of dialogue routines between elected officials and federal agencies indicated that concerns about how war contracting information was used had become an evolving focal point; interactive dialogue helped clarify values across agencies and between agencies and elected officials, regarding the collection and use of war contractor information. Furthermore, the dialogue routines, themselves, became grounds for the assessment of factors that might challenge the realization of those values going forward. For instance, concerns expanded to include challenges of how war contracting information could be converted into performance information data useful to decision makers. Therefore, while it is too soon to determine whether engaging in this adaptive work has abated all problems, these developments -- when compliance problems have given way to consideration of adaptive challenges, in the context of venues promoting interactive dialogue, and with the establishment of ongoing dialogue routines to sustain focus on adaptive work -- are signals of having entered into a productive range of distress (GAO, 2008b; 2010d).

In conclusion, when technical solutions are mis-targeted towards adaptive challenges, accountability can be undermined if the productive range of distress is not found. In the interagency context, this cannot be accomplished by a single member. Therefore, credible venues of interactive
dialogue are useful for clarifying values, and negotiating together thresholds for learning and limits of
tolerance as agencies adapt (Moynihan, 2008). Dialogue routines are also valuable as they keep the focus
on adaptive work, making the ongoing management of accountability sustainable overtime (deHaven-
Smith and Jenne, 2006).

Final Observations

This study examines the potential for democratic rollback when contracting for war, and
specifically contributions of bureaucracy to the phenomenon. The adoption of hybrid governance
structures, such as contracting-out, has posed serious accountability challenges to the legitimate use of
force traditionally reserved for government, now extended to contractors. Absent a supply of institutions
to hold contractors accountable, states risk further exacerbating the fiscal, psychological, and reputational
effects that already exist in the uncertain nature of war.

The demand for institutions to regulate war contracting are driven by incidents involving
contract personnel, difficulties encountered within the contract-economy, and the rise in questionable
use of contractors for government leverage. In response to these demands, a number of responses have
emerged, in particular industry self-regulation, contract law, fire-alarm oversight, and application of
international and humanitarian laws. According to Heifetz and Linsky’s (2002) disequilibrium model of
adaptive work, these responses have fallen short of realizing the intent of accountability for war
contracting. They have done so by either failing to reach the threshold of learning because of self-
sabotage, failing to internalize challenges posed by the environment that are necessary for sustainable
change, creating diversions that discourage issues from reaching the fore necessary to discover upper
limits of tolerance from which solutions can emerge, and opting to institutionalize avoidance rather than
engage risks posed by unproductive disequilibrium.

A contribution of this study is investigating an overlooked accountability mechanism that
repositions the government more centrally: use of interagency statutes. Interagency statutes are aimed at
technical solutions for streamlining the collecting of information about war contractors. Whereas it was
initially expected that this approach would actually undermine the intent of accountability because of
being misguided as technical versus adaptive, findings did not support this view. Discourse analysis of
official government documents, as well as the mapping the accountability experience of three federal
agencies responsible for war contracting oversight, generated a number of observations not yet
considered in the literature.

First, identification of compliance problems provided a lens through which agencies and elected
officials were able to see that problems associated with interagency statutes could be not solely attributed
to technical problems, but rather also to challenges more adaptive in nature. Second, the disequilibrium
and distress associated with these challenges could either go unattended, thus resulting in undermining
accountability, or could be elevated to a productive stress level. According to the model, this level
requires “turning up the heat” enough on conflict and tough issues to break through the base threshold
of learning, but not so high that the limits of tolerance are surpassed.

Third, what the model did not initially take into account is the condition of adaptive work under
interagency circumstances, rather than an individual’s experience. In the interagency context, credible
institutional venues can provide necessary deliberative space for interactive dialogue among members to
surface about issues such as thresholds, limits, and other aspects characterizing the adaptive challenge at
hand. In addition to these, ongoing dialogue routines make the challenge of interagency adaptive work
sustainable.

In conclusion, thematic discourse analysis provides accounts for uneven compliance among
agencies responsible for implementing interagency statutes of war contracting accountability. But these
alone do not address the more pressing question of how to realize the intent of accountability, whenever
technical statutes/solutions are aimed at adaptive problems. Therefore, researchers should continue to
search for ways in which accountability can be not only installed, but its intent restored, and its
robustness sustained. Addressing these questions using the disequilibrium model of adaptive work is one
approach, but more work is needed to empirically analyze representations of compliance, the conditional
nature of adaptive work to interagency circumstances, and more about the role of venues for interactive
dialogue and dialogue routines in upholding the intent of accountability.
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Figure 1. Disequilibrium Model of Adaptive Work

*Intent of accountability likely realized between these limits, in the conduct of adaptive work. Source: Adapted from Heifetz and Linksy (2002).
Figure 2: Disequilibrium Model of Adaptive Work: Mapping Institutions that Regulate War Contracting

Adaptive work \(\{\text{Interagency}_{\text{a}}\}\)

Limit of Tolerance

Productive Range of Distress

Avoidance \(\{\text{Fire alarms, self-regulation}\}\)

Technical \(\{\text{International agreements, Inteagency}\}\)

Threshold of Learning

\*Inten: of accountability likely realized between these limits, in the conduct of adaptive work.
Source: Adapted from Heifetz and Linksy (2002).