

COSTS OF WAR

Uncompensated Allies: How Contracting Companies and U.S. Government Agencies Failed Third-Country Nationals in Afghanistan

The U.S. government leaned heavily on contractors to do its essential work during the war in Afghanistan. Contracting companies were hired to outsource jobs on U.S. bases to wage laborers like cooking meals, defusing mines, providing security and building installations. Many of these workers were neither Afghan nor American, and were highly vulnerable to employment abuse.

This is not a problem of the past: U.S. Central Command [reports](#) that, despite the U.S. troop withdrawal from Afghanistan, it still relies on more than 21,000 contractors in its area of responsibility, more than 9,000 of whom are third-country nationals.

One of the only legal protections these workers have is the U.S. Defense Base Act, which requires that all workers, regardless of nationality, be compensated for injuries sustained under U.S. contracts. The law also requires that their next of kin be compensated in case of the workers' death.

That is what the law is supposed to do. But, as revealed in a [new study by the Costs of War Project](#), that is not what actually happens.

1. Workers from poor countries who were contracted by the U.S. during the war in Afghanistan were denied compensation to which they were legally entitled.

Even though U.S. government contractors in war zones can sidestep many labor laws like minimum wage requirements or prohibitions on discrimination, they are required to follow the Defense Base Act, which mandates compensation for injuries and payments to next of kin in the event of death. Yet many contractors who came from other countries to work for the United States during the Afghanistan war were injured or killed and yet their families did not receive the benefits to which they were entitled by law.

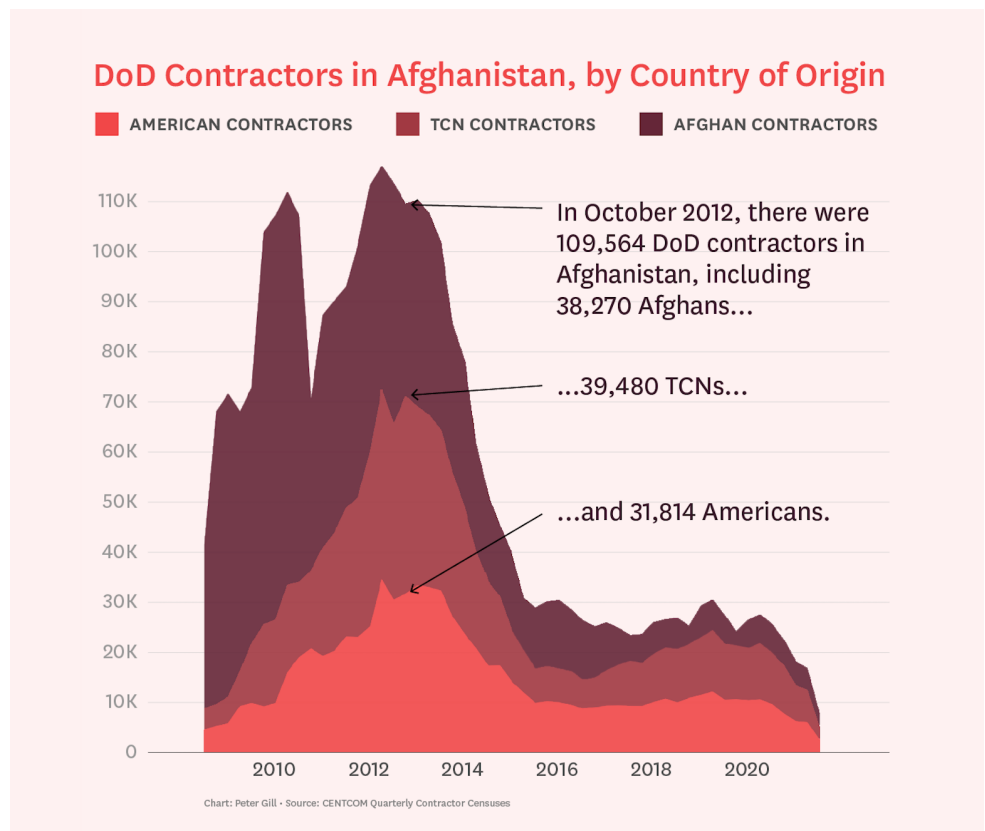
Reporting suggests tens of thousands of contractors' legitimate claims were denied. Further, many international contractors doing American war work in Afghanistan did not even get to the stage of filing a claim at all. This occurred for many reasons, including because they were not made aware that they had the right to benefits in the first place, or because their employers did not carry the required insurance or support them in their claims. Some companies even pocketed money that was supposed to go toward insurance for these contract workers.

2. The U.S. government has done very little to enforce the law that requires warzone laborers to be fairly compensated regardless of nationality.

FOIA requests demonstrate that the U.S. government rarely punished companies for these egregious failures. Between 2009 and 2021, the Department of Labor only fined contractors six times, totaling a little more than \$3,000 in fines for failing to report their employees' claims. And, when asked, the Army was only able to produce evidence of four contracts that were terminated because of such failures. The U.S. government relies entirely on companies to self-report contractor injury and death claims. If the company doesn't report it, and the contractor does not make a claim, the U.S. government never learns about it.

3. Migrant workers from third countries, or TCNs, were heavily impacted by these failures.

In 2020, approximately 65% of wartime contractors were citizens of Afghanistan or a third-party country such as Nepal, not Americans. These international contractors took on more risk for less pay and with fewer legal protections than Americans. They were highly vulnerable to exploitation and abuse. Some companies withheld workers' pay or confiscated their passports. Companies in India or the Middle East relied on trafficking networks to supply the U.S. government with migrant workers in Afghanistan. American soldiers sometimes referred to international



contract workers as “flak jackets” or “bait” for suicide bombers, as they were placed in circumstances where they were far more likely to be killed or injured in attacks. This heavy reliance on contractors from third countries, and the failure to acknowledge and provide compensation for their injuries and deaths has obscured the true costs of the post-9/11 wars.

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