

IDSA Monograph Series
No.2 December 2009

Privatisation of Security in the Post-Cold War Period

An Overview of its Nature and Implications

Shantanu Chakrabarti



Institute for Defence Studies and Analyses, New Delhi

Privatisation of Security in the Post-Cold War Period

An Overview of its Nature and Implications

Privatisation of Security in the Post-Cold War Period

An Overview of its Nature and Implications

Shantanu Chakrabarti



Institute for Defence Studies and Analyses, New Delhi

© Institute for Defence Studies and Analyses, 2009

ISBN: 81-86019-62-6

First Published: December 2009

Published by: Institute for Defence Studies and Analyses
1, Development Enclave, (near USI)
Rao Tula Ram Marg
New Delhi-110 010
India
Telephone: +91-11-2671 7983 (30 lines)
Fax: +91-11-2615 4191
Email: idsa@vsnl.com
Website: <http://www.idsa.in>

Produced by: Magnum Custom Publishing
(A Div. of Magnum Books Pvt Ltd)
Registered Office: B-9c, Gangotri Enclave
Alaknanda, New Delhi-110 019
Tel.: +91-11-42143062, +91-9811097054
E-mail: info@magnumbooks.org
Website: www.magnumbooks.org

All rights reserved. No part of this publication may be reproduced, sorted in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photo-copying, recording or otherwise, without the prior permission of the Institute for Defence Studies and Analyses (IDSA).

Contents

<i>Acknowledgements</i>	<i>vii</i>
<i>List of Abbreviations</i>	<i>ix</i>
<i>Introduction</i>	<i>xi</i>
1. The Rise of the Global Private Security Industry	1
2. Analysing the Rise: Indirect Way to Ensure Western Domination?	15
3. Impact of PSI Involvement in Conflict Zones	31
4. Privatisation of Security: The Asian Context	49
5. Indian Engagement and Concerns with Privatised Security	59
6. Conclusion	71
About the Author	75

Acknowledgements

The present monograph is primarily an output of the research work done during the author's engagement as a Research Fellow at the IDSA for nearly seven months between 2007 and 2008. In this connection, the author wishes to express his sincere gratitude to the Director General of IDSA Shri N.S. Sisodia and his fellow colleagues at the Institute. The author also extends his sincere thanks to the anonymous referees for their comments and suggestions which helped in improving some of his earlier concepts and making the necessary changes in the monograph.

List of Abbreviations

ACCORD	African Centre for the Constructive Resolution of Disputes
AFRICAP	Africa Peacekeeping Program
ANC	African National Congress
ANSO	Afghanistan NGO Safety Office
APDI	Association of Private Detectives of India
AVPI	Armed Violence and Poverty Initiative
BAPSC	British Association of Private Security Companies
BRO	Border Roads Organisation
CAPSI	Central Association of Private Security Industry
CCB	Civil Cooperation Bureau
CIA	Central Intelligence Agency
CPA	Coalition Provisional Authority
DCAF	Democratic Control of Armed Forces
DDR	Disarmament, Demobilisation and Reintegration
DIAG	Disbandment of Illegal Armed Groups
DSL	Defence Systems Limited
EAST	Eagle Aviation Services and Technology Inc
ECOWAS	Economic Community of West African States
ELN	National Liberation Army
EO	Executive Outcome
EU	European Union
FARC	Revolutionary Armed Forces of Colombia
FMS	Foreign Military Sales
GWOT	Global War on Terror
ICI	International Charter Inc
IFIs	International Financial Institutions
IGOs	Inter-Governmental Organisations
IJI	Institute for International Law and Justice
INGOs	International NGOs
IPOA	International Peace Operations Association
ITBP	Indo-Tibetan Border Police Force
KAS	Kilo Alpha Services
KGB	Komitet Gosudarstvennoy Bezopasnosti

KMS	Keenie Meenie Services
LICs	Low Intensity Conflicts
LTTE	Liberation Tigers of Tamil Eelam
MEJA	Military Extraterritorial Jurisdiction Act
MIC	Military Industrial Complex
MITTs	Military Transition Teams
MPLA	Popular Movement for the Liberation of Angola
MPRI	Military Professional Resources Incorporated
NGOs	Non-Governmental Organisations
OAU	Organisation of African Unity
PAE	Pacific Architects and Engineers
PCCs	Private Combat Companies
PDI (P)	Indonesian Democratic Party
PMCs	Private Military Companies
PMFs	Private Military Firms
PMS	Private Maritime Security
PMSCs	Private Military and Security Companies
PNCs	Private Naval Companies
PSCs	Private Security Companies
PSI	Private Security Industry
PSU	Private Sector Unit
ROC	Reconstruction Operations Center
SALW	Small Arms and Light Weapons
SAS	Special Air Service
SEESAC	Small Arms and Light Weapons
SOF	Special Operations Forces
SOFA	Status of Armed Forces Agreements
SPOs	Special Police Officers
SSR	Security Sector Reform
STF	Special Task Force
SULFA	Surrendered ULFA
TCE	Transaction Costs Economics
UCMJ	Uniform Code of Military Justice
ULFA	United Liberation Front of Assam
UNITA	National Union for the Total Independence of Angola
UNPROFOR	United Nations Protection Force
USSOCOM	United States Special Operations Command
VDCs	Village Defence Committees
WWF	World Wildlife Fund

Introduction

The end of the Cold War was celebrated among many circles as an end to the conflict determined pattern of global relations, which would ensure greater cooperation and peace. Such optimism, however, died soon. While the number of inter-state conflicts certainly came down in the post-Cold War years, externally induced factors, as well as the rising incidence of collapsing internal institutions, witnessed the rise of intra-state conflicts of various types. One is perhaps forced to acknowledge, at least, the partial validity of the prophecy made by John J. Mearsheimer in 1990, in a different context, that we will soon be missing the order of the Cold War years as we leap into ‘untamed anarchy’.¹

Setting the Context

In the post-Cold War period, we find ourselves in a world of small wars and weak states. Such developments have intensified the trend towards privatisation of violence at different levels of conflict through the involvement of agencies like warlords, militias, rebels, paramilitary groups, gangs, and organised crime groups. Global proliferation in the supply of Small Arms and Light Weapons (SALW), as a result of easier accessibility and poor or failed controlling mechanisms has also helped in perpetuating such conflicts at local levels. Many governments are no longer capable of controlling the spiralling of violence and in ensuring effective implementation of law and order. The official security providing agencies of the state like the police and the defence services are often too weak, too corrupt, or incapable to exercise the

1 John J. Mearsheimer, ‘Why We Will Soon Miss The Cold War’, in *The Atlantic Monthly*, Volume 266, No. 2, August 1990, p.35

rule of law and the state monopoly over organised violence. This has increased the dependence upon private security providers of various categories. Privatisation of security also continues to take place through top-down approaches adopted by the states through outsourcing of traditional military functions to the private sector.² The emergence of Low Intensity Conflicts (LICs) which create diffused battlegrounds in which various categories of non-state actors like criminals, terrorists, insurgents, and warlords take part, strengthened by the new technologies and enhanced connectivity related to the process of globalisation, actually makes the task of managing them solely through the efforts of state institutions, a difficult if not impossible task.

As a result of these factors, there has been a trend towards privatisation of security, as the existing state authorities, across the globe, find the task of tackling such new conflicts to be extremely difficult. Ensuring security, however, still remains one of the primary tasks of the modern nation-state. For the Westphalian model state, ensuring both external and internal security (the protection of the state's sovereignty and the protection of the social order) actually go hand in hand.³ Privatisation of security, in this connection, has been a developing trend, both internally, as well as, externally. To a large extent, this is a trend welcomed by the states and in many cases, actively endorsed. The phenomenon of privatised security has also sought to be explained as a manifestation of the globalisation process. It has been argued, for instance, that the changes in security related technologies at the state and local levels are being shaped or mediated by global developments taking place in the discourses and practices of management and security. While local security now involves different kinds of private self-protection, at the

2 Herbert Wulf, 'The Future of the Public Monopoly of Force', in Alyson Bailes, Ulriche Schneckener and Herbert Wulf, *Revisiting the State Monopoly on the Legitimate Use of Force*, Policy Paper No.24, Geneva Centre for the Democratic Control of Armed Forces (DCAF), Geneva, 2007, p. 19

3 Sven Bislev, 'Globalization, State Transformation, and Public Security', in *International Political Science Review*, Vol. 25, No.3, July, 2004, p.282

international level the privatisation of security goes all the way to the hiring of private armies.⁴ This trend towards privatised security has also led to a process of ‘commodification’ of security. As one author argues:

The provision of security is becoming ever more fragmented and commodified. The protection of person and property is less and less the exclusive province of the public police, but is now increasingly being delivered by a plethora of public, commercial, and voluntary agencies. Significant developments have included: (i) resort by business and government organizations to private modes of security, either by ‘contracting-in’ commercial firms or putting in place ‘in-house’ arrangements; (ii) an intensification of local authority involvement in security provision, . . . (iii) the sporadic development of citizen patrols; (iv) an increasing deployment of crime prevention technology . . . and (v) the hiring of commercial security firms to patrol residential areas. We are at the very least witnessing the emergence of an uneven patchwork of security provision, increasingly determined by people’s willingness and ability to pay.⁵

This trend towards privatisation of security is a global phenomenon. There are, however, major differences in the nature of evolving privatised security in different regions. In the relatively more developed parts of the world, privatised security is ensured mostly through the proliferation of the Private Security Companies (PSCs) and/or Private Military Companies (PMCs). According to one estimate, for instance, in 2003, the total revenue of PSCs worldwide—including military and policing services in domestic and international markets—was over US\$ 100 billion and is likely to grow to (at least) US \$202 billion by

4 Ibid, p.285

5 Ian Loader, ‘Thinking Normatively about Private Security’, in *Journal of Law and Society*, Vol. 24, No.3, September, 1997, pp.377-378

2010.⁶ According to another estimate the current existing ratio of private security guards to the police force personnel in the Western developed countries is 3:1. In less developed countries it may be 10:1 or more.⁷

In cases of external intervention or operations in conflict zones located internally or externally, states and international organisations are increasingly turning to the private sector as a cost effective way of procuring services which would once have been considered to be the exclusive preserve of the military.⁸ In this connection, it has been argued, that the PSCs, and PMCs, are not security actors in the sense of being ordinary non-state agencies of organised violence but on the contrary, they embody other non-state security providing entities that have been accorded legitimacy by the state. The Private Military and Security Companies (PMSCs), by providing state-like military and security services, in fact, perform a core state sovereign function which significantly challenges the Tillian and the Weberian concepts of the state. The privatisation of security, in this connection, not only displaces or substantially weakens the state as the security shield, but also effectively reduces the state monopoly over the legitimate use of force in maintaining order.⁹

The rise of the Private Security Industry (PSI), in fact, has been noticeable all over the globe and not necessarily restricted to weakening

6 Deborah Avant, *The Market for Force: The Consequence of Privatizing Security*, Cambridge University Press, New York, 2005, p. 9, cited in, Hans Born, Marina Caparini and Eden Cole, 'Regulating Private Security in Europe: Status and Prospects', Policy Paper No.20, Geneva Centre for the Democratic Control of Armed Forces (DCAF), Geneva, p.1

7 'Private Military Companies: Options for Regulation', *Green Paper*, Foreign and Commonwealth Office, UK, 2002, p.9

8 Ibid, p.4

9 Michelle Small, *Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa*, Occasional Paper Series: Volume 1, Number 2, The African Centre for the Constructive Resolution of Disputes (ACCORD), 2006, pp.14-15

or collapsed states. For instance, the PSI has become one of the most rapidly growing industries in the United States. In countries of Western Europe, the PSC staff outnumbers the public police forces in most European Union (EU) states, and on an average, according to one estimate; one out of every 500 European citizens was a private security employee in 2004.¹⁰ In former Socialist countries of South-eastern Europe, the poor quality of state controlled security agencies and the legacy of inter-ethnic distrust in former conflict areas have also led to the substantial growth of the private security sector in the region. The South-eastern European region, according to one report, has seen a rapid drive towards privatisation of security, moving from an almost total absence of private security provision at the end of the 1980s to the point where the industry is now a major employer and security provider.¹¹ The PSI in the United States, as well as in Europe, is also involved in intense lobbying and propaganda schemes in order to ensure greater respectability and public acceptance of their role within civil society. For instance, some security companies have created a website which is dedicated to the memory of all private security personnel worldwide who were killed in action during the course of their performance of duties and have also appealed to the public for the observance of 8th November every year as a Memorial Day.¹²

Privatised security, thus, is mainly being ensured through more corporate entities in developed countries, taking care of internal security and policing and also acting as important catalysts towards the fulfilment of foreign policy goals. Though important, this trend

10 Esther Eziashi, 'Nigeria: Vigilante Groups Assist Police in Securing Lives, Property', in *Leadership Nigeria*, May 9, 2008 (Source: <http://allafrica.com/stories/200805090343.html>) (accessed: June 3, 2008)

11 'SALW (Small Weapons and Light Weapons) and Private Security Companies in South Eastern Europe: A Cause or Effect of Insecurity', Report, South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), Belgrade, August 2005, p.i

12 For details see, <http://www.privatesecuritymemorial.org>

is, however, only a part of the total picture of the process of security privatisation. The retreat of the state and increasing failure to ensure security is also noticeable in the developing and the less developed parts of the globe and certainly in the so called 'failed states'. According to one recently published report, for instance, armed violence and the resulting climate of insecurity have led many communities, particularly in urban settings, to employ PSCs and/or rely on armed groups for protection. However, as the report indicates, it is the wealthier sections of society who tend to employ PSCs while the poor tend to depend more on vigilante groups or militias rather than such corporate entities for protection.¹³ Use of state sponsored vigilante groups and militias for confronting challenges to the establishments and to ensure security, especially in areas where the state forces are inadequate or incapable to deal with the security threats, has also witnessed a sharp rise in different conflict zones across the globe in the post-Cold War period. Objections can be raised over the issue whether state use of vigilante forces or other non-state actors in conflict situations fit within the phenomenon of privatisation of security as described above. In this connection, the theoretical position being taken in this essay is that the processes of globalisation and post-Cold War international developments have ensured strong trends toward privatisation and 'commodification' of security. Use of pro-state vigilante groups, militias (or other categories of non-state actors), for our purpose, is being considered to be a manifestation of privatised security so long as these are used to secure the establishment. As one scholar argues:

Except for the extreme case of a regime based solely on force, some rules defining procedures and limits of the exercise of coercion by the regime or groups acting in its behalf are generally recognized. When

13 Mandy Turner, Jeremy Ginifer and Lionel Cliffe, 'The Impact of Armed Violence on Poverty and Development', Full Report of the Armed Violence and Poverty Initiative (AVPI), Centre for International Cooperation and Security, Department of Peace Studies, University of Bradford, p.31

individuals or groups identifying with the established order defend that order by resorting to means that violate these formal boundaries, they can be usefully classified as vigilantes... generalizing from the specific phenomenon, vigilantism is simply establishment violence. It consists of acts or threats of coercion in violation of the formal boundaries of an established sociopolitical order which, however, are intended by the violators to defend that order from some form of subversion.¹⁴

It is being argued here that the increasing dependence of numerous states, including many in Asia, on vigilantism against insurgency and other security related threats is also to be considered as a manifestation of the phenomenon of privatisation of security especially in the context of the new threats evolving in present times. In this connection, one should remember the position of David Kowalewski on the essential character of vigilantism. Kowalewski, for instance, had defined vigilante groups as social formations of private citizens to suppress deviance which are commonly employed by political regimes mostly playing peripheral role to that of the military, police, and other established organs of force but could play a major role in protecting the establishment against political dissidence, especially when it grows and crosses the threshold into violence.¹⁵ Moreover, other analysts like H. Jon Rosenbaum and Peter C. Sederberg argue that the existing boundaries defining the legal use of coercion are often expanded by the states facing emergency situations by attempts to absorb and 'legalise' the vigilante groups in order to placate the demands for increased regime effectiveness.¹⁶

The growing trend of using such vigilante groups is also discernible in different conflict zones across the world along with the proliferation

14 H. Jon Rosenbaum and Peter C. Sederberg, 'Vigilantism: An Analysis of Establishment Violence', in *Comparative Politics*, Vol.6, No.4, July, 1974, p.542

15 David Kowalewski, 'Counterinsurgent Vigilantism and Public Response: A Philippine Case Study', in *Sociological Perspectives*, Vol. 34, No.2, Summer, 1991, p.127

16 H. Jon Rosenbaum and Peter C. Sederberg, n.14, p.560

of more professional and corporate PSCs. In Russia, for instance, the Putin government had undertaken a policy of recruiting Cossack groups to serve in the army and police units, often in an informal capacity. Deployment of Cossack vigilante groups for ensuring security in remote areas of Russia has become an established practice.¹⁷ Vigilante groups are also being used in other terror-prone zones in Russia.¹⁸ Vigilantism is a common phenomenon in the Central Asian republics also. In many countries of South America, recent years have witnessed the growth of numerous vigilante groups. Across Latin America, death squads and paramilitary/parapolice groups made up of off-duty police, military, and civilians, deliver impromptu justice, including torture and murder, in the name of maintaining order and security.¹⁹ The decline and fall of dictatorships in the region has effectively meant the deregulation of the state use of violence allowing such new groups to proliferate. Such vigilante groups often include members of the official police forces, further blurring the official and private faces of security, and are involved in the premeditated elimination of particular groups of social outcasts considered to be dangerous to society. Such social cleansing campaigns are carried out to exterminate those people perceived as no longer 'useful' or who are accused of immoral behaviour and committing public nuisance.²⁰ Proliferation of such groups has been a conspicuous development in the failing states of Africa also. Very recently, for instance, in Nigeria, the Police Commissioner of the Nigerian Federal Capital Territory commented

17 Robert Parsons, 'Russia: Cossack Revival Gathers Momentum', in Radio Free Europe Radio Liberty, May 5, 2005 (<http://www.rferl.org/featuresarticle/2005/05/cb895a9a-0499-4975-ad2f-ca45534a7d68.html>) (accessed: June 3, 2008)

18 Andrei Shoumikhin, 'Deterring Terrorism: Russian Views', National Institute for Public Policy, USA, February 2004, p.1 (Source: <http://nipp.org/Adobe/Russian%20Web%20Page/February%20webpage.pdf>) (accessed: June 3, 2008)

19 Martha K. Huggins (ed.), *Vigilantism and the State in Modern Latin America: Essays on Extra-legal Violence*, Praeger, New York, 1991, p.2

20 For details, see Anastasia MoLoney, 'Vigilante Heaven', in *New Internationalist*, Issue No.376, March 2005

that informal policing systems have contributed and would continue to contribute very significantly to the general safety, security, and well being of communities in Nigeria, and the need for cooperation between the police and vigilante groups was brought home by the growing realisation that the task of policing the society was a daunting and noble task requiring the inputs of all stakeholders.²¹

The use of non-state armed groups can, however, be problematic, as the weakening state may not be able to maintain effective control over the groups it had helped to create. It has been argued, for instance, that though such groups are often created, funded, equipped and trained by state authorities, nevertheless, they often evade government control and in the course of a conflict, manage to develop their own agenda which may run counter to the government programme of restoring stability and order.²²

The present monograph makes an attempt to analyse the emerging trends towards privatised security under state initiative with particular focus on the Asian context and on the relevance of such trends for the Indian policy makers. The following two chapters (Chapters One and Two) trace the growth of the corporate global PSI with particular focus on the Western security companies and also try to analyse as to what extent such PSCs have emerged as effective tools for the states employing them. Chapter Three tries to analyse the implications of the increasing PSI involvement in conflict zones not only through state initiatives but also through their deployment by the global Non-Governmental Organisations (NGOs) with particular focus on the rising level of popular resentment against PSCs in such zones. Chapter Four focuses on different aspects of the phenomenon of privatised security in Asia, while Chapter Five analyses the nature of evolving security privatisation in India. Finally, the Conclusion focuses back

21 Esther Eziashi, n.10

22 Ulriche Schneckener, 'Armed Non-State Actors and the Monopoly of Force', in Alyson Bailes, Ulriche Schneckener and Herbert Wulf, n.2, p.11

INTRODUCTION

upon some of the broader theoretical issues related to privatisation of security raised in the introduction in order to examine their applicability in the Indian context.

The Rise of the Global Private Security Industry

1

Max Weber's notion of the state as possessing the monopoly of coercion in a given area is no longer as convincing—if it ever was.¹ One of the fundamental tasks of a state is to provide physical security for its citizens, and to prevent the violent usurpation of political authority, from within or without. For that purpose, states have traditionally depended upon institutional providers of coercive force, such as the police and armed forces for the achievement of that task. What has been, however, a more significant development in the post-1990 period has been the proliferation of PMSCs assisting the state in its various security related initiatives in both domestic and external spheres. In case of the military in developed Western societies, the increased capacity of the global media to inflame and influence popular concerns regarding 'casualty sensitivity' or the 'body bag syndrome'—in opposition to foreign intervention—has also been a subject of broad concern among the global strategic community, which has rendered the task of force deployment in actual conflict situations a difficult task for the policy makers. According to Edward Luttwak, for instance, most post-Cold War conflicts are regarded as 'discretionary' by nature, incapable of posing any serious existential threat to the state and thus, given the evolving moral and social norms in the 'post-industrial' societies, makes the issue of high military casualty a highly sensitive affair making military recruitment and deployment a difficult task.² In this

1 Bruce George and Mark Button, 'Private Security', Vol.1, Palgrave Macmillan, USA, p.3

2 For details see, Edward Luttwak, 'Toward Post-Heroic Warfare', in *Foreign Affairs*, Vol.74, No.3, May/June 1995; Edward Luttwak, 'A Post-Heroic Military Policy', in *Foreign Affairs*, Vol.75, No.4, July/August 1996

connection, extensive use of armed contract personnel to conduct missions such as security operations and training of personnel in combat zones apart from outsourcing of logistical and other non-core army functions, have led to the steady rise of such private companies. The rise has also been explained in terms of a part of the overall drive towards increasing efficiency and cost-effectiveness. Many functions, not so long ago, considered to be exclusively military functions are being outsourced. This includes, for instance, the task of intelligence operations on behalf of the state. Very recently, for instance, the US government has authorised the Prince Group, the owner of Blackwater Worldwide, a leading PSC, with the task of collecting information for the government on various issues including natural disasters, business-friendly governments, overseas regulations, and global political developments for clients in industry and government. The intelligence gathering operation, called Total Intelligence Solutions, has involved former high-ranking figures from agencies such as the CIA and other defence related establishments.³

The PSI has emerged as a vital support base for governments all over the world. They are now very much a part of the security landscape, as states and NGOs struggle to balance concerns over how best to deal with the proliferation of internecine conflicts across the globe. Indeed, with the current concern over the activities of transnational terror groups, PSCs appear well-placed to act as force multipliers among states anxious to bolster internal security without necessarily incurring a concomitant rise in security related expenditure.⁴

3 Dana Hedgepath, 'Blackwater's Owner Has Spies for Hire: Ex US Operatives dot Firm's Roster', in *Washington Post*, November 3, 2007

4 Clive Jones, 'Private Military Companies as Epistemic Communities', in *Civil Wars*, Vol.8, No.3, 2006, p.356

Historical Background

The rise of the Private Security Industry (PSI) though spectacular, is not something unprecedented. Mercenaries and non-state armed groups had been a common feature of early and medieval warfare. Though commentators like Machiavelli (1469–1527) remained critical of their use, the practice of employing such groups continued even during the early modern period. The Thirty Years War (1618–1648), and the following Treaty of Westphalia in 1648, which witnessed the formative process of the modern nation-state system, witnessed certain attempts to restrict their use and replace them with modern standing armies, which, however, proved to be largely unsuccessful. The practice of employing mercenaries during warfare was continued as it was considered to be more convenient and cheaper than creating huge standing armies at state expense. In the eighteenth century, for instance, it was quite common for the major European countries to employ large private forces during warfare. The English government, for instance, employed 30,000 Hessian soldiers during the war of American Independence. On the other hand, George Washington had also used privateers in his rebel army during the war against the English forces. Use of mercenaries and private contractors was quite common during the American Civil War (1861–1865), and the Spanish-American War (1898), which led to the first major offshore operation (in Cuba) by the US Army since her independence.

Use of the mercenaries was also a common practice of the major armies in Asia during the early and medieval period. Mercenaries were regularly employed by the princely states as well as the European companies operating in India and other parts of Asia during the process of colonisation. According to one estimate, for instance, during the eighteenth century, there were nearly two million armed men in the contemporary military market in the Indian subcontinent looking for employment in the regional armies of various indigenous rulers or in

the armies maintained by the European companies.⁵ During the second half of the nineteenth century, the Chinese emperors also used a variety of mercenary groups to put down several rebellions. These included groups of foreign mercenaries. Some of these were: the Filipino Foreign Rifle Corps raised by the American adventurer Frederick Townsend Ward; the French controlled Ever Triumphant Army; and the Ever Victorious Army commanded by the famous British General Gordon.⁶

With the advent of the nineteenth century, monopoly over any legitimate form of violence was increasingly considered to be a vital feature of state apparatus. This, however, did not put an end to the trend of outsourcing certain non-core military functions to civilians in many armies. Civilian contractors became a part of the wars fought during the twentieth century, including the two World Wars. Nor was this phenomenon restricted to the Western armies, particularly the American army. During the course of the Second World War, the Imperial Japanese Army, for instance, employed groups of civilian contractors known as the *Gonzoku*, for construction works and guarding of Allied prisoners of war.⁷ In the United States army, by the time of the Vietnam War, outsourcing had reached to such levels that the *Business Week* described the war in Vietnam as a ‘contractor war’.⁸

Internally, the rising importance of the PSCs in providing various security related services also has a historical precedence. Functions such as crime controlling and guarding activities by the professional security

5 D.H.A. Kolff, ‘Naukar, Rajput and Sepoy: The Ethno History of the Military Labour Market in Hindustan 1450-1850’, Cambridge University Press, UK, 1990, pp.53-54

6 Tarak Barkawi, ‘Globalization and War’, Rowman & Littlefield, UK, 2006, pp.45-46

7 Robin Rowland, ‘Private Military Contractors Subject to Rule of Law: Second World War Gonzoku Provide Precedent’, CBC News, October 15, 2007 (<http://www.cbc.ca/news/background/iraq/military-contractors.html>) (accessed: June 9, 2008)

8 Michael T. McBride, ‘The Proliferation of Contractors on the Battlefield: A Changing Dynamic that Necessitates a Strategic Review’, Strategy Research Project, U.S. Army War College, Carlisle Barracks, Pennsylvania, April 2003, p.5

service, belonging to the state was, in fact, quite a late development with the first of such modern police force being organised in Britain only since 1829. As a result, private security agencies continued to play an important role in ensuring internal security. In the United States, for instance, the Pinkerton Company was founded in 1850 as a detective agency that later on provided armed guards and strike-breakers to industrial firms in the US. So, the growth of the PSI in recent times, though startling, is not something, which has been totally unprecedented.

Whatever, may have been the historical precedence, it is true that in the post-Cold War period the rise of new security threats has given rise to the neo-PSI. Martin van Creveld, for instance, had predicted that:

The spread of sporadic small-scale war will cause regular armed forces themselves to change form, shrink in size, and wither away. As they do, much of the day-to-day burden of defending society against the threat of low-intensity conflict will be transferred to the booming security business; and indeed the time may come when the organisations that comprise that business will, like the condottieri of old, take over the state.⁹

PMSCs, in this connection, have emerged over the past 20 years as non-state organisations, which have the capacity to provide significant coercive force, alongside, in place of, or even in opposition to the state institutions.

Definitions and Characterisation

It is generally recognised that the new PSCs, particularly those which operate in global battle zones (sometimes referred to more specifically as the Private Military Companies (PMCs) or Private Military Firms

⁹ Martin van Creveld, 'On Future War', Brassey's, UK, 1991, p.207

(PMFs), are different from traditional mercenaries, and are legitimate national corporations organised in accordance with the legal codes of their respective home countries.¹⁰ The ‘old’ mercenaries were usually regarded as colourful adventurers—interesting, though of marginal importance and strategically inconsequential. The traditional mercenaries were more or less ad hoc collections of former soldiers sometimes managing to form ephemeral organisations. On the other hand, the PSCs have a distinct business nature with a permanent core staff and on-going marketing, and their operations emphasise private enterprise, efficiency, and expertise.¹¹ According to Tim Spicer, a veteran operator of the former PSC, the Sandline International, and the current chief of the Aegis Defence Services:

My view is there is a distinction. ‘Mercenary’ and ‘private military company’ are not the same. There are very distinct differences. Essentially a mercenary is there as an individual. The private military company has led to people using the pejorative distinction. Most private security companies will not consider mercenary work. My view has always been that there is plenty of legitimate work to be done.¹²

Many other analysts however, remain sceptical of such attempts towards differentiation between the two and continue to regard the PSCs as new, mutated forms of erstwhile mercenary groups. According to Guy Arnold, for instance:

The emergence into the public eye of mercenary organizations or companies... suggests both a new public acceptance of the role that

10 Eugene Smith, ‘The New Condottieri and US Policy: The Privatization of Conflict and Its Implications’, in *Parameters*, Winter 2002-2003, p.112

11 Thomas K. Adams, ‘Private Military Companies: Mercenaries for the 21st Century’, in Robert J. Bunker (ed.), *Non-State Threats and Future Wars*, Frank Cass, London, 2003, pp.55-56

12 Cited in, Robert Young Pelton, ‘Licensed to Kill: Hired Guns in the War on Terror’, Crown Pub., New York, p.274

mercenaries are expected to play and an increasingly brash certainty on the part of the mercenary community that its services are needed and that its members will continue to be lucratively employed round the world. Indeed, as the twentieth century drew to an end and the governments of more and more states appeared less and less able to maintain law and order so the openings for mercenaries and organized mercenary interventions multiplied.¹³

The Green Paper prepared by the UK Government concerning PSI activities notes that this is primarily because:

These organizations are attempting to confer upon the ancient trade of the mercenary a veneer of respectability that poses enormous potential problems for the future... The new mercenary companies, however they dress up their activities and describe themselves, are a response by the North to demands for military assistance from the weak and sometimes chaotic countries of the South and they, too, will continue to operate as long as there is a market for their services in the South.¹⁴

The categorisation or classification of the PSCs also seems to be a difficult task. One analyst, for instance, defines a PSC as one which provides services aimed at having a strategic impact on the safety of people or goods against remuneration. These services could range from logistical support, context analysis, crisis and risk management to physical protection of people and/or goods, training of armed forces, and even operational command and combat.¹⁵ Peter Singer

13 Guy Arnold, 'Mercenaries: The Scourge of the Third World', Macmillan, UK, 1999, p.47

14 Cited in, 'Private Military Companies: Options for Regulation', *Green Paper*, Foreign and Commonwealth Office, UK, 2002, pp.124-125

15 Jean S. Renouf, 'The Impact of Security Privatisation on Humanitarian Action', translated from: *Logique d'urgence et pe'rennite'*, revue Humanitaire n° 14, Me'decins du Monde, Printemps 2006 ([http://www.medecinsdumonde.org/publications/revuehumanitaire/.](http://www.medecinsdumonde.org/publications/revuehumanitaire/)) (accessed: May 6, 2008)

gives a more detailed classification of such organisations and divides them into three basic groups: (a) the military provider firms commonly called PMCs and sometimes PSCs, which offer direct tactical military assistance including participation in combat roles; (b) the Military Consulting Firms, which draw on retired senior and non-commissioned officers to provide military advice and training, but do not take part in operations themselves; and, (c) the Military Support Firms which generally provide logistics, intelligence, and miscellaneous maintenance services.¹⁶ Singer is also in favour of using the term ‘Private Military Firm’ and not ‘Private Security Company’, (which the PSI prefers, as it claim to be performing only defensive actions and not any offensive ones while operating in conflict zones). According to Singer, the distinction between ‘offensive’ and ‘defensive’ functions is essentially subjective and is not analytically useful. Moreover, such classifications often degenerates into a division of the PSI in which security/defensive firms are ‘good’, and military/offensive firms are ‘bad’, which does not represent a true picture of the industry.¹⁷ Moreover, the nature of modern techno-centric war makes it more difficult to draw clear lines of distinction between actual combatants and those who provide them with technical assistance. Furthermore, PMF personnel who are not part of the military chain of command nevertheless now do many things that traditionally would have been done by soldiers on active duty, and that would lead to their being classified as combatants during war-time.

According to another analyst, the PSCs could be grouped into categories like: (a) Private Combat Companies (PCCs) (still analytical and not real), (b) PMCs, Proxy Military Companies, PSCs, Commercial

16 Peter W. Singer, ‘Corporate Warriors’, Cornell University Press, USA, 2003, pp.88-101

17 Peter Singer, ‘Humanitarian Principles, Private Military Agents: Some Implications of the Privatised Military Industry for the Humanitarian Community’, in Victoria Wheeler and Adele Harmer (eds.), ‘Resetting the Rules of Engagement: Trends and Issues in Military-Humanitarian Relations’, Humanitarian Policy Group Report 22, Overseas Development Institute, London, March 2006, p.68

Security Companies and (c) Freelance Operators.¹⁸ Nic van den Berg, belonging to Executive Outcome (EO), and who also operated as the former operations manager of Sandline International for some time as a part of the team sub-contracted from the EO, is of the opinion, that a PCC is a PMC specialising at the sharp end of the security industry, which means undertaking combat operations, leaving jobs like combat support and logistics provision to the PMCs. The idea behind a PCC is to assemble a fighting force capable of being deployed at very short notice into a combat zone, and if necessary, to suppress an aggressor with military force.¹⁹ Dough Brooks, the president of the International Peace Operations Association (IPOA), an umbrella association of the US based PSCs, offers yet another classification in which he divides the existing PSI into three categories of military service companies: (a) the support companies, (b) the PSCs, and (c) the PMCs, with prediction of more opportunity for the PMCs to flourish in the near future, particularly related to the process of training of armies or security forces in the developing world.²⁰

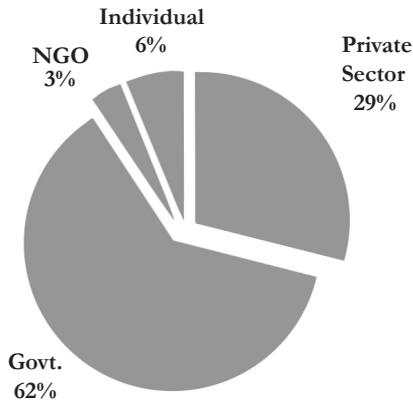
Such classifications, though somewhat confusing, in effect, reveals the increasing capacity and greater involvement of the PSCs in performing diverse security related tasks. Moreover, it also has to be kept in mind that most of these PSCs primarily provide their service to the state. According to a survey carried out by the IPOA in 2006, government entities account for 62 percent of private security operations among respondent companies, while the rest of the client groups include private sectors (and individuals), international organisations and NGOs. (See chart below)

18 Christopher Kinsey, 'Corporate Soldiers and International Security: The Rise of Private Military Companies', Routledge, USA, 2006, pp.13-21

19 Ibid, p.13

20 Source: Interview of Dough Brooks, 21 June 2005 (url: <http://www.pbs.org/wgbh/pages/frontline/shows/warriors/interviews/brooks.html>) (accessed: July 12, 2007)

Chart 1



Mean percentage of operations per category of contracting entity

(Source: Mean percentage of operations per category of contracting entity, in ‘State of the Peace & Stability Operations Industry Survey 2006’, International Peace Operations Association (IPOA), Washington, 2006, p.11)

The Deluge in the Post-Cold War Period

The PSCs, as it has been already mentioned, have existed earlier. In the United States, for instance, their use can be traced back to the two World Wars and the evolution of the Military Industrial Complex (MIC). In Britain, the Watchguard International, one of the first British private security firms was formed back in 1967. Many such companies had become operational during the Cold War period.²¹ But it is the post-Cold War period, more particularly, the post-9/11 period, which has witnessed a boom time for the PSI. Over the course of the last 16 to 17 years these companies have moved from the periphery of international politics into the corporate boardroom, and are now becoming a respectable part of the military sector.²² This phenomenon,

21 Christopher Kinsey, n.18, p.95

22 Fabien Mathieu and Nick Dearden, ‘Corporate Mercenaries: The Threat of Private Military and Security Companies’, War on Want, UK, November 2006, p.4

according to one analyst, has been because of the confluence of four interconnected factors, which have led to the rise and greater acceptance of the PSCs. In brief, these are: (1) A broad normative shift in international relations towards privatisation and the outsourcing of state functions; (2) Growing and glaring malfunctioning and weakening of the state with regard to its commitment towards the fulfilment of its social contract; (3) The changed international security context in terms of the end of the Cold War and the changing typology of security threats creating new security demands and market opportunities for the private players; and, (4) An incapacitated United Nations, combined with a reluctant international community, characterised by the ‘Somalia Syndrome’, facilitating the search for alternatives.²³

One of the first well known PSCs to emerge in the context of the waning Cold War was Executive Outcomes (EO), set up in 1989 in Pretoria by Eben Barlow, a retired soldier, who had formerly worked for the South African apartheid regime’s Civil Cooperation Bureau (CCB) and in the 32 ‘Buffalo’ Battalion.²⁴ The involvement of the EO in Angola to fight on the side of the dos Santos government against the National Union for the Total Independence of Angola (UNITA) rebel group was ironical since Barlow and his former 32 Battalion soldiers, had spent their careers helping UNITA against the leftist Popular Movement for the Liberation of Angola (MPLA), and were now fighting for their former left-wing enemy against their formerly US-backed ally.²⁵ EO was successful in cornering the UNITA rebels to come to a negotiated settlement, which resulted in the 1994 Lusaka Agreement. The agreement, however, proved to be very short-lived and fighting resumed as soon as the EO left Angola. The company also operated in Sierra Leone when it was

23 Michelle Small, *Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa*, Occasional Paper Series: Volume 1, Number 2, The African Centre for the Constructive Resolution of Disputes (ACCORD), 2006, p.19

24 Robert Young Pelton, n.12, p.255

25 Ibid, p.256

employed by the Strasser government to help against its fight against the Revolutionary United Front (RUF) rebels in 1995.

Another PSC which became important during the 1990s was the United Kingdom based Sandline International which got involved in operations in Papua New Guinea and in Sierra Leone during 1997–1998 both of which, however, ended in failures. Though the company was closed down, Tim Spicer, one of the top employees of the company now heads another PSC, the Aegis Defence Services which was established in 2002. The Aegis has recently managed to bag lucrative security contracts in Iraq and has become one of the leading PSC to operate in that country.

The big opportunity for such organisations was created during the post-Cold War period through more space being created as a result Western armies downsizing along with the privatisation process witnessing increasing outsourcing of non-core functions and technical jobs and the reluctance on the part of the Western states to intervene abroad, unless it involved vital strategic or economic interests. The other major trend was a rapid drop in expenditure on arms and armies. According to one estimate, for instance, during the 1990s, 10 million soldiers were discharged from the national armies all over the globe, many of them belonging to elite units. The emergence of the PSI generated new hopes of gainful employment for many of these personnel. A number of elite units, especially from the USSR and South Africa, in effect shifted directly from working for the state to being employed in the PSCs.

The real deluge of such companies, however, came in the wake of the interventions in Afghanistan and Iraq as a part of the global initiative on terror after the 9/11 terrorist attacks. Though most of these PSCs are American or British in origin, they are proliferating in other parts of the globe as well. Moscow-based Alpha firm, for instance, founded by the former Komityet Gosudarstvennoy Bezopasnosty (KGB)

personnel and having linkages with the international firm Armorgroup, contributes private security personnel alongside regular forces in Chechnya and have also been contracted to defend defence facilities in Azerbaijan, Armenia and Kazakhstan.²⁶ Israeli-based private security firms such as Levdan and Silver Shadow have worked in countries like Angola and Colombia.²⁷ Levdan, the Israeli security company was also the main supplier of military experts to Congo (Brazzaville) during the early 1990s.²⁸

The PSCs have also been involved with the process of outsourcing of essential services. The corporate private military providers, in this context, have both the expertise and organisational form that makes it possible for governments to turn to them, as they do to other private service providers, as the provision of services that were formerly delivered by public sector organisations get increasingly outsourced. The Tony Blair government in Britain, for instance, introduced the Private Finance Initiatives under which private companies tender for contracts of between 10 to 40 years duration for the construction, servicing and maintenance of military facilities. In 1996, the Sponsored Reserve concept was also introduced whereby the PMFs provide services in conflict zones by sponsoring the voluntary sponsored reserves. Such reserves, however, have been used so far only in non-combat functions.

Another analyst, researching the rise of the PSCs from the perspective of Transaction Costs Economics (TCE), has concluded that poor countries with weak governments are likely to continue providing opportunities for the PSCs, particularly those, which provide training and support related services. The developed countries of the West are also likely to contract private non-combatant type firms to assist poor countries

26 David Isenberg, 'Security for Sale', in *Asia Times Online*, 14 August, 2003, (http://atimes01.atimes.com/atimes/Front_Page/EH14Aa01.html) (accessed: May 28, 2008)

27 Ibid

28 Guy Arnold, n.13, p.48

because budgetary costs are relatively low, and because aversion to casualties in rich countries is by historic standards, very high.²⁹

Legal Lacuna

One major international concern regarding the proliferating PSCs has been the relative absence of legal provisions in dealing with them. Most existing international regulations are geared around the concept of ‘mercenary’ rather than modern corporate PSCs. Existing international laws and treaties to control mercenary activities include the following: The Hague Conventions (1907); the Geneva Conventions (1949); the UN Charter and related Resolutions; Article 47 of Protocol 1, additional to the Geneva Convention of 1949 (1977); declarations and conventions of the Organisation of African Unity (OAU); and the UN International Convention against the Recruitment, Use, Financing, and Training of Mercenaries adopted in 1989. But none of these international conventions or more specific country-wise legislative attempts, as attempted from time to time in South Africa, United Kingdom and the USA, have really been able to specifically address the issue of PSCs in a satisfactory manner. One scholar notes that, ‘the definition of a “mercenary” that has been used in each of these instruments is very narrowly defined so as to render it meaningless in most situations’.³⁰ As a result of the lack of unanimity over the issue, the PSCs continue to function without much effective international legal restrictions. At the international as well as national levels, most of the PSCs, thus, operate within a vacuum of effective legal regulation and accountability.³¹

29 For details on this perspective, see Eric J. Fredland, ‘Outsourcing Military Force: A Transactions Cost Perspective on the Role of Military Companies’, in *Defence and Peace Economics*, Vol.15, No.3, 2004, pp. 215-216

30 Damian Lilly, ‘The Privatisation of Security and Peacebuilding: A Framework for Action’, *International Alert*, September 2000, p.9

31 Scott C. Goddard, ‘The Private Military Company: A Legitimate International Entity Within Modern Conflict’, PhD Thesis submitted to the Faculty of the U.S. Army Command and General Staff College Kansas, Fort Leavenworth, 2001, p.iii

Analysing the Rise: Indirect Way to Ensure Western Domination?

2

To many analysts, the rise of PSCs and their use while pursuing interventionist policies by the Western states, particularly the United States, is a cost-effective method of ensuring domination. It has been argued, for instance, that the United States, increasingly entwined in a multitude of smaller scale global conflicts, finds it useful to employ private contractors in such conflict zones.¹ To many other analysts, however, the trend towards privatised security represents the ‘new face’ of neo-colonialism, operating under the guise of neo-liberal market policies through ‘corporate mercenarism’, providing viable foreign policy proxies for Western governments in the pursuit of their national interests.²

It has also been argued that PSCs provide the great powers, such as the United States, the opportunity to respond across the spectrum of conflict. Their use for peace and humanitarian operations, as well as to provide cutting-edge capabilities for combating transnational threats, conducting offensive information operations, or facing asymmetric threats at the lower end of the conflict spectrum represents untapped potential. Rather than a usurper of state legitimacy, the PSI, in this connection, has arguably become a tool to further American

1 Michael T. McBride, ‘The Proliferation of Contractors on the Battlefield: A Changing Dynamic that Necessitates a Strategic Review’, Strategy Research Project, U.S. Army War College, Carlisle Barracks, Pennsylvania, April 2003, p.8

2 David J. Francis, ‘Mercenary Intervention in Sierra Leone: Providing National Security or International Exploitation?’, *Third World Quarterly*, Vol.20 No.2, p.319

strategic interests.³ As an indication of their greater acceptability to policy makers, the recent US Army Manual on Counter-Insurgency, for instance, while highlighting the need for broad basing of the counter-insurgency agenda, is in favour of counter-insurgency related operation participants recruited from diverse backgrounds. The manual includes private security contractors in the list along other groups like diplomats, police, politicians, humanitarian aid workers, and local leaders. According to the Manual, the decision-making process must involve all the participants in order to solve problems in a complex and extremely challenging environment.⁴

The next section briefly highlights three cases of major US led counter-insurgency operations being conducted in Colombia, Afghanistan, and Iraq, all of which have involved the participation of PSCs on a large scale. The case studies would help in a better understanding of the nature and implications of evolving PSI involvement in conflict zones.

Case Studies

a) Colombia - The main groups involved in the long drawn insurgency movement in Colombia are the FARC (Revolutionary Armed Forces of Colombia) and the smaller National Liberation Army (ELN), which have remained sufficiently strong and committed to their objectives. The failure of the Colombian government to arrest the spread of such groups led to the proliferation of a system of organised private security forces known as the paramilitaries providing security at the local level. The problem intensified as both the insurgent groups as well as the paramilitary groups became involved in the extremely lucrative regional drug trade. The US involvement in Colombia began initially

3 Eugene Smith, 'The New Condottieri and US Policy: The Privatization of Conflict and Its Implications', in *Parameters*, Winter 2002-2003, p.116

4 'Counterinsurgency', *Field Manual 2-24*, US Army, December 2006, p.2-1

through the 'Counter Narcotic' operations which initially only involved provision of logistical help to the Colombian government forces in helping to fight the drug mafia. This policy, however, failed to arrest the growth of FARC and other groups. This was primarily because, by the end of 1990s, the drug trade was providing only 30 to 40 per cent of their total funding, the rest coming from other illegal sources. In the post-2001 period, the US policy was upgraded to that of 'Counter-Insurgency' operations. In specific terms, the shift in policy occurred most dramatically through the 2003 Foreign Aid Bill and HR 4775, which allowed the Colombian government for the first time, to use all past and present counter-drug aid, such as helicopters, weapons, and specially trained brigades, to wage war against the insurgents.⁵

One major feature of the Colombian operation has been the extensive use of PSCs like Military Professional Resources Incorporated (MPRI) Airscan, DynCorp, and Northrop Grumman, which have been the most prominent ones operating in Colombia. While MPRI assisted the Colombian army and police, DynCorp helped in eradication of illicit crops, providing pilots, technicians, and logistical support. Coca eradication formed one of the most controversial elements of 'Plan Colombia' because it was only questionably effective in achieving its stated goals though the process of destroying cocoa cultivation seriously affected the local peasants and generated local resentment.⁶ Though theoretically involved only in providing services like transportation, reconnaissance, training, and drug cultivation eradication programmes, these companies often crossed the thin line and got involved in active combat. In February 2001, for instance, DynCorp employees got involved in a gun battle with FARC rebels in the Colombian jungle

5 Jason Vauters and Michael L.R. Smith, 'A Question of Escalation- From Counternarcotics to Counterterrorism: Analysing US Strategy in Colombia', in *Small Wars & Insurgencies*, Vol.17 No.2 June 2006, p.173

6 Fabien Mathieu and Nick Dearden, 'Corporate Mercenaries: The Threat of Private Military and Security Companies', *War on Want*, UK, November 2006, p.11

while on a rescue mission to free the pilots of a downed helicopter. Operations of the private contractors also generated administrative and legal problems as the private companies often struck lucrative deals with the Oil Companies or got involved in other forms of illegal trade. Such counter-insurgency operations, thus, have complicated the conflict in Colombia rather than ending it. The present situation has been defined as an ‘escalating military stalemate’ with both sides increasing their capacities and neither capable of defeating the other.⁷

b) Afghanistan - PSCs have proliferated in the country since the US led invasion in 2001. According to one estimate, there are at present nearly 90 international PSCs operating in Afghanistan along with 20 domestic ones.⁸ The American company DynCorp is in charge of security of VIPs and officials and till very recently even guarded the Afghan President Hamid Karzai. Dyncorp is also in charge of training the Afghan Police Force and the poppy cultivation eradication programme being carried out in the country. The US State Department gave the assignment of police training to DynCorp in most of the nine regional centres leaving only the task of training higher ranking officers, to the German authorities.⁹ There has, however, been considerable criticism from different quarters about the quality of training being imparted to the Afghan police recruits by DynCorp. Barnett Rubin, a leading expert on Afghanistan, for instance, argues that security contractors, ‘have hired, armed, and trained militias that were supposed to be demobilised

7 Jason Vauters and Michael L.R. Smith, n.5, p.190

8 Ulrike Joras and Adrian Schuster (eds.), ‘Private Security Companies and Local Populations: An Exploratory Study of Afghanistan and Angola’, Working Paper No.1/2008, Swiss Peace Foundation, April 2008, pp.68-69

9 Marvin Weinbaum, ‘The U.S. Involvement in Afghanistan since 9/11: Strategic Objectives, Security, and Reconstruction’ in Moonis Ahmar (ed.), ‘The Challenge of Rebuilding Afghanistan, Bureau of Composition’, Compilation & Translation Press, University of Karachi, Karachi, 2005, p.169

and disarmed, enabling them to persist and profit as part of the private sector, awaiting the spark that will set off another civil war'.¹⁰

Several cases of human right violations by the private security personnel have also been reported by numerous sources. In response, the US government, so far, has prosecuted only one civilian contractor, David Passaro, for violence towards local nationals. Passaro was a CIA contractor at a US Army base in Afghanistan. In June 2003, Passaro was accused of beating to death a local Afghan man named Abdul Wali in the course of a two-day interrogation. Passaro was tried in August 2006, convicted of multiple assault charges, and sentenced to more than eight years in prison. Numerous other cases, however, have gone unnoticed. Such incidents have led to growing resentment among the local population against the private contractors, particularly against the American and the European contractors, who are perceived to be aliens.

c) Iraq - Iraq, today, has emerged as the most fertile ground for private contractors. According to one estimate, there were over 180,000 private security personnel serving in Iraq during 2007.¹¹ Out of them, nearly 30,000 are armed security personnel, nicknamed as 'shooters'. Estimates widely vary, but they do indicate the unprecedented presence of a large number of private contractors in the conflict zone. Collectively, private contractors comprise the second-largest armed security force in the 'coalition of the willing' serving in Iraq, second only to the US armed forces. Private contractors from nearly 30 countries are currently operating in Iraq. Far from restricting themselves to performing of mundane logistical operations, some of the private contractors are getting more involved in direct combat related activities. During the Iraq

10 Cited in, Carl Robichaud, 'Private Military Contractors also Creating Problems in Afghanistan', in *World Politics Review*, 31/10/2007 url : <http://www.tcf.org/list.asp?type=NC&pubid=1721>(accessed: December 12, 2007)

11 T. Christian Miller, 'Iraq: Private Contractors Outnumber U.S. Troops in Iraq', *Los Angeles Times*, July 4, 2007

invasion in 2003, for instance, some of these contractors maintained and loaded many of the most sophisticated US weapons systems, such as B-2 Stealth bombers and Apache helicopters. They even helped to operate combat systems such as the Army's Patriot missile batteries and the Navy's Aegis missile-defence system.¹² During the post-invasion period, the role of private contractors has been further enhanced. Halliburton's Kellogg, Brown & Root Division, for instance, is in main charge of ensuring logistical supplies for the Coalition army. Other firms are helping to train local forces, including the new Iraq army and the national police force. Armed contractors are playing a more prominent role in guarding of military and diplomatic establishments in that country. They use military training and weaponry, to carry out missions in the midst of a combat zone, against adversaries who are fellow combatants.

This emerging phenomenon has generated a number of problems. Many employees belonging to such private firms, like in Afghanistan, have been accused of indisciplined behaviour, harassment, and killing of innocent civilians, inflicting torture on prisoners and committing other crimes. Hundreds of such cases have been reported in the press. A case of abrasive contractor behaviour was exposed in late 2005 when a compilation of video recordings appeared on the Internet showing security personnel from Aegis firing on civilian vehicles with the accompanying background music of Elvis Presley's 'Runaway Train'. Each of the incidents shown in the so-called 'Trophy Video' featured gunfire directed at vehicles approaching from behind, which could not be construed as threats. Blackwater International, subsequently renamed as Blackwater Worldwide and currently as Xe, has perhaps become the most notorious among such private firms operating in Iraq. Its employees have been involved in several incidents of indiscriminate

12 P.W. Singer, 'Can't Win With 'Em, Can't Go To War Without 'Em: Private Military Contractors and Counterinsurgency', Policy Paper No.4, Brookings Institution, September 2007, p.2

firing including the one, which took place on September 16, 2007 in the Nisoor Square neighbourhood of Baghdad leading to the death of 17 Iraqi civilians. The Iraqi government threatened to cancel the license of the organisation after the incident but did not succeed. The US government's dependence on private contractors in Iraq also seems to be increasing. According to a recent report, for instance, the US commanders in Iraq are for the first time seeking private contractors to form part of the small Military Transition Teams (MITTs) that train and live with Iraqi military units across the country. The MITTs, so far, consisted of specially trained teams of about 10 to 12 US soldiers led by a field-grade officer that were embedded with Iraqi army units from the division level down to the battalion level.¹³ In another recent report by the London based newspaper, *The Independent*, the outgoing Bush administration was secretly negotiating a strategic treaty with the Iraqi government, aiming at perpetuating the US control over strategic resources and also ensuring a long-term presence for the US army and the private security contractors in Iraq. American negotiators, it has been further reported, were also demanding continuance of immunity from Iraqi law for the US troops as well as the private security contractors.¹⁴

The three brief case studies give an overview of the nature of private contractor involvement in conflict zones, which have witnessed interventions by the United States. Certain common problems associated with private contractor involvement in military operations, deduced from such case studies, are provided below:

13 Walter Pincus, 'U.S. Seeks Contractors to Train Iraqi Military', in *The Washington Post*, May 4, 2008

14 Patricia Cockburn, 'Revealed: Secret Plan to Keep Iraq under U.S. Control', in *The Independent*, June 5, 2008 (<http://www.independent.co.uk/news/world/middle-east/revealed-secret-plan-to-keep-iraq-under-us-control-840512.html>(accessed: June 6, 2008))

1. **Wanton display of force** - Overt display of aggressive behaviour by many employees of such private firms has been identified as a major problem. Shoot outs and harassment of civilians have been a common occurrence. One gets an indication of the sort of unwarranted bravado displayed by many private security contractors in the conflict zones through the comments made by Gary Jackson, president of the company Blackwater Worldwide. On April 3, 2005, he was quoted in *Tactical Weekly*, the firm's electronic newsletter, saying that the terrorists:

Need to get creamed, and it's fun, meaning satisfying, to do the shooting of such folk... All of us who have ever waited through an hour and a half movie, or read some 300 pages of a thriller, to the point when the bad guys finally get their comeuppance know this perfectly well.¹⁵

In a conflict environment, there is often overlapping of combat and combat support operations. As a result, there is often no perceptible difference between regular soldiers and the private security personnel involved in protection of convoys, installations, and establishments. The potential for human rights abuse in such situations is an ever-present threat, and it is nearly impossible to hold the PMSC employees to account for their actions.¹⁶ All these factors have significantly eroded public support and sympathy for the counter-insurgency operations. The Falluja shooting in Iraq, in 2004, for instance, led to the death of at least 20 Iraqi civilians, which finally resulted in the lynching of four American private security personnel and mutilation of their dead bodies. In another incident which occurred in December 2006, a Blackwater employee was involved in the shooting of an Iraqi guard

15 Joseph Runzo, 'Benevolence, Honourable soldiers and Private Military Companies: Reformulating Just War theory', in Andrew Alexandra, Deane-Peter Baker and Marina Caparini (eds.), 'Private Military and Security Companies: Ethics, Policies and Civil-Military Relations', Routledge, USA, 2008, p.63

16 Fabien Mathieu and Nick Dearden, n.6, p.2

of the Iraqi vice president at a Christmas Party. The employee went back to the US and is yet to be charged. Two companies (CACI International and Titan Corporation) were also involved in the interrogation process at Abu Ghraib prison in 2003, which involved prisoner abuse on a massive scale. Formal US army investigative reports identified at least five private security personnel taking active part in torturing of prisoners including giving directions and orders to the soldiers, who were later prosecuted. Since the shocking pictures of prisoner abuse were released, 11 soldiers have been convicted so far, whereas, not even one CACI or Titan civilian contractor has been charged.¹⁷ All such incidents have hampered the process of winning the hearts and minds of the people, which has been highlighted as one of the most important objectives of counter-insurgency operations. Cases of human right violations on the part of private contractors have also been reported from other zones of conflict like Afghanistan and Kosovo.

2. Negatively affects the principle of Unity of Command - US Army Colonel Peter Mansoor, one of the most influential military thinkers on counter-insurgency has recently commented in *Jane's Defence Weekly* that the US military needs to take:

A real hard look at security contractors on future battlefields and figure out a way to get a handle on them so that they can be better integrated... I would much rather see basically all armed entities in a counterinsurgency operation fall under a military chain of command.¹⁸

In order to overcome such problems, the Pentagon has recently suggested bringing diplomatic security convoys directly under the

17 Report, 'Private Security Contractors at War: Ending the Culture of Impunity' Human Rights First, Washington, 2008, p.2

18 Nathan Hodge, 'Revised US Law Spotlights Role of Contractors on Battlefield', *Jane's Defence Weekly*, January 10 2007, p.10, cited in P.W. Singer, 'Can't Win With 'Em, Can't Go To War Without 'Em: Private Military Contractors and Counterinsurgency', n.12, p.7

supervision of the military commanders in Iraq and making it mandatory for the private contractors employed by the US Department of State to participate in the Reconstruction Operations Center (ROC), a system of command posts created in 2004, to serve as an interface between the PSCs and the army.¹⁹ What makes the commanding process further problematic is the fact that the involvement of civilian contractors in conflict zones has led to their emergence as ‘quasi-soldiers’, which has serious implications for the civil-military relations. As a result of this development, although private military contractors are employed in functions, which were previously provided by soldiers, they are not subject to the same levels of political and public control as their uniformed colleagues. Private security personnel, as ‘quasi-soldiers’, are increasingly sharing or taking control over collective means of violence but continue to be exempted from military laws and regulations and, where they are included under Status of Armed Forces Agreements (SOFA), they are also beyond prosecution in the countries in which they are operating.

3. Legal and moral implications - The issue of control over the private contractors has been another problem. The UK government’s Green Paper highlighted this problem in connection to the 1998 scandal involving the UK based company Sandline International which was accused of supplying arms to the government forces in Sierra Leone in spite of an existing United Nations ban. The problem of controlling such PSCs has, however, continued to worry analysts who cite the lack of legal provisions or sufficient regulations to address this issue. The Coalition Provisional Authority (CPA) in Iraq, for instance, enacted Order 17 which gave immunity to private contractors from Iraqi laws. The Order contained an internal mechanism for extending its own life so that it would remain in force under the new Iraqi government.

19 Nathan Hodge, ‘Pentagon moves to tighten control of PSCs in Iraq’, *Jane's Defence Weekly*, December 12, 2007

In 2004, the US Congress amended the Military Extraterritorial Jurisdiction Act (MEJA) to expand the authority of the Department of Justice to prosecute contractor related crimes. In 2006, the US Congress also amended the Uniform Code of Military Justice (UCMJ) to expand the Department of Defense's authority in this area. After the formation of the Iraqi government, MEJA, theoretically, can be applied to the private contractors operating there. So far, however, that has been applied in only one case. The 2007 National Defense Authorization Act also included a provision for prosecuting private security contractors. The new SOFA between the United States and Iraq, which has come into effect since January 2009, also subject the contractors and their employees to Iraqi civil and criminal jurisdiction. But proper implementation of all such legal provisions would ultimately depend upon the willingness of the state authorities. As one Human Rights First Report comments:

When the United States or any nation deploys armed forces in conflicts abroad—even private armed forces—it has the responsibility to ensure that those forces comply with the law. Specifically, governments using private security forces in armed conflicts have the obligation to ensure that these forces are adequately vetted, trained, supervised, and held accountable. Individuals with histories of abusive or serious criminal conduct should not be put in a position to victimize others. They must be trained in the law of war and human rights, including how those laws are enforced through applicable domestic law. Private contractors also must be subject to effective oversight and supervision to ensure that such laws are observed. And finally, when abuses do occur, contractors must be investigated and held accountable under the law.²⁰

20 Report, 'Private Security Contractors at War: Ending the Culture of Impunity' n.17, p.3

Continued Deployment of the PSCs

The dependence of the United States on private security contractors in its overseas operations seems to be increasing with the passage of time. This is particularly so, as the military capacity of the US army to intervene globally has greatly reduced. One author, for instance, highlighting the reduced capability of the US army to act globally in recent years, mentions that because of the extensive use of munitions, including the stocks held in reserve in Kuwait, during the campaign against the Taliban regime in Afghanistan, the US army faced a technical limitation on the possibility of early military action against Iraq and so deferred action in Iraq until the end of 2002.²¹ Nor has the use of private contractors been restricted to the Global War on Terror (GWOT). Private contractors are often being deployed in the conflict zones of the underdeveloped regions of the world. Such flexibility, gained through the use of the PSCs, often helps to circumvent existing rules and regulations. The US government, for instance, gave a contract to DynCorp International helping the Sudanese Peoples' Liberation Movement involved in the civil war in Sudan. In 1991, another US based PSC, MPRI provided supplies and training to Croatian rebels, in spite of an existing UN embargo.²² Operation Storm was a well-coordinated Croatian offensive against the Serbs in the Krajina region which was launched in August 1995. This large-scale, sophisticated operation led to the collapse of the Serbian defences within a week, resulting in the recapture of the region. The operation was characterised by US-style 'combined-arms-manoeuvre' warfare targeted against Serbian operational centres of gravity. It was widely suspected that private contractors were involved in the operation.²³ To further complicate

21 Paul Rogers, 'Into the Long War', Oxford Research Group International Security Report 2006, Pluto Press, UK, 2007, p.121

22 Fabien Mathieu and Nick Dearden, n.6, p.10

23 Eugene Smith, n.3, p.110

the issue, the PSCs often subcontract the work they are hired to do, as for instance, DynCorp did when it subcontracted the aerial fumigation programme in Colombia to Eagle Aviation Services and Technology Inc (EAST). Incidentally, EAST was the company used by Oliver North in the 1980s to run guns secretly and illegally to Nicaraguan rebels to topple the Sandinista government, in a scheme which later came to be known as the Iran-Contra Affair.²⁴ The US Department of State controlled Africa Peacekeeping Program (AFRICAP) covers much of the security assistance work being requested throughout the continent of Africa. The programme aims to enhance ability of the African countries to conduct regional peacekeeping operations and building of African capacities for crisis management. The current AFRICAP contract, which dates back to 2003, is held by the PSCs—Pacific Architects and Engineers and DynCorp International. The contract is expected to award \$1 billion to the involved companies over the course of five years.²⁵

Overall, it would appear that the use of private contractors will be increasingly important to the American policymakers both in Iraq as well as in other areas of the globe that are the target of American assertiveness.

The use of the private security contractors in itself, however, does not guarantee any success. Even a very general analysis of recent international efforts to win peace in places like Haiti, East Timor, the Balkans and Afghanistan reveals that the process of peace winning is hardly straightforward nor is its success ensured. Adding private actors

24 S. Vins, 'US Contractors in Colombia', Center for International Policy, November 2001, cited in Fabien Mathieu and Nick Dearden, n.6, p.11

25 Sharon Weinberger, 'State Plans one Billion for Private Security Contractors in Africa', February 11, 2008, (Source: <http://blog.wired.com/defense/2008/02/one-billion-for.html>) (accessed May 1, 2008)

into the mix is another complicating variable for military and political officials to consider and manage.²⁶

Another major concern, in this connection, has been the large scale exodus of highly skilled and trained personnel from the defence services into such PSCs. In particular, there is a high incidence of Special Operations Forces (SOF) members joining the PSCs in large numbers. The high salaries on offer for the PSC employees in Iraq and Afghanistan have reportedly caused record numbers of elite soldiers from the British and the American armies to retire early from their regular forces. According to one newspaper report, while senior enlisted members of the Army Green Berets or Navy Seals with 20 years of experience or more can earn about US\$ 50,000 in base pay, and can retire with a US\$ 23,000 pension, the PSCs are offering salary figures ranging from US\$ 100,000 to nearly US\$ 200,000 a year, to the experienced army veterans.²⁷ According to another report prepared by the United States Congress Committee on Oversight and Government Reform in February 2007, salaries for private security personnel can be as high as US\$ 33,000 a month.²⁸ In order to stop the exodus, the United States Special Operations Command (USSOCOM) came out with a special remuneration package plan worth US\$ 168 million in 2004.²⁹ In August 2006, the British army was also compelled to increase pay for Special Air Service (SAS) and other Special Forces personnel by

26 Christopher Spearin, 'American Hegemony Incorporated: The Importance and Implications of Military Contractors in Iraq', in *Contemporary Security Policy*, Vol.24, No.3, 2003, p.42

27 Eric Schmitt and Thom Shanker, 'Big Pay Luring Military's Elite to Private Jobs', in *The New York Times*, March 30, 2004

28 Government Accountability Office, 'Rebuilding Iraq: Actions Needed to Improve Use of Private Security Providers' (July 2005) (GAO-05-737), cited in Congress of the United States, Committee on Oversight and Government Reform, Memorandum, February 7, 2007, p.2

29 Christopher Spearin, 'Special Operations Forces A Strategic Resource: Public and Private Divides', in *Parameters*, Winter 2006-2007, p.64

50 per cent in order to stem the rate of defection to PMSCs.³⁰ So far, such policies have been unable to stop the attrition within the army units to any significant level. As the dependency on private contractors continues to rise, it has been suggested that the US policy should consider involving both the private contractors as well as soldiers in the SOFs.³¹ In spite of problems, the PSI, thus, seems destined to be a vital part of the Western (particularly, American), military interventions in the future. For the American policymakers, at present, the PSCs provide flexibility as an adjunct to the US military presence.³²

30 M. Smith, 'SAS get 50% pay to halt quitters', *Sunday Times*, August 6, 2006, cited in Fabien Mathieu and Nick Dearden, n.6, p.12

31 Christopher Spearin, n.29, p.66

32 Ibid, p.66

Impact of PSI Involvement in Conflict Zones

3

The post-Cold War changes in world affairs and the process of globalisation have interconnected the questions of development and security. Modern organised violence is less about ideology and competing views of public good or even about territorial control, but more about developing exclusive control over the sources of resources of various categories. Conflicts generated as a result of this have led to the formation of multiple centres of authority with both legal and illegal linkages to the global economy. While the need to secure such linkages has become vital, ensuring of this security, however, has ceased to be the exclusive task of state agencies. Global security is being managed by a variety of agencies (legal and illegal) including, freebooting paramilitaries, child soldiers, and profit-making PSCs.¹

It has been suggested by some scholars that the changing patterns of conflict and the resulting breakdown of order in global ‘hot spots’ has necessitated changing of the traditional ‘centre-periphery’ relationship between the North and the South. While every attempt is made to ensure that the areas of the South facing disorder and instability cannot destabilise the global economic system, the threat of an excluded South fomenting international instability through conflict, criminal activities, and terrorism is recognised to be a brutal reality and as a result, made part of the evolving global security framework. Within this new security framework, development is accorded as much priority

1 Michael Pugh, ‘Civil-Military Relations in Peace Support Operations: Hegemony or Emancipation?’, Paper Presented in the Seminar on Aid and Politics, Overseas Development Institute (ODI), London, February 1, 2001, p.3

as conflict resolution. The incorporation of conflict resolution and societal reconstruction within the new security framework, however, makes it an almost impossible task for any developed country of the North, including the United States, to perform single-handed. As a result, there has been a proliferation in the number of global NGOs getting increasingly involved in various global conflict zones. According to one analyst, this has led to a shift from state and territorial based systems of governance to a more polyarchical, non-territorial and networked relations of governance bringing together governments, NGOs, military establishments, and private companies in a new way as parts of an emerging system of global liberal governance.²

Rising Demand for Privatised Security among Humanitarian Agencies in Conflict Zones

The new development paradigm in itself encourages greater association between the humanitarian and development agencies working in global conflict zones and the PSCs. According to Mark Duffield, the merging of development and security has given rise to innovative ‘Strategic Complexes’, leading to the linkages between various state and non-state actors.³ Strategic Complexes, according to Duffield, consist of various state as well as non-state actors, which include governments, International NGOs (INGOs), military establishments, International Financial Institutions (IFIs), PMCs and PSCs, various Inter-Governmental Organisations (IGOs), and the business sector. For most of the 1990s, such new patterns of trans-national regulatory governance had remained concerned predominantly with economic

2 Mark Duffield, ‘Global Governance and the New Wars: The Merging of Development and Security’, Zed Books, London, 2005, p.2

3 Ibid, p.45

issues, but since the 9/11 incident, and the onset of the GWOT, this has been extended to encompass security issues so that the entire gamut of economic and social domains of governance have become securitised.⁴ Such complexes are strategic in that they are following a radical agenda of social transformation in the interests of global security. These new complexes have expanded to include networks of strategic governance relations concerned not solely with development but also security, while at the same time they have to privatise and militarise their activities; a distinct break from the way previous complexes worked.⁵

Security, in this connection, has become vital for the humanitarian agencies, operating as essential components of such strategic complexes in conflict zones. In complex conflict situations, the provision of official security is poor and because of the traumatised and chaotic social order, ensuring adequate security becomes vital for effective delivery of humanitarian assistance.⁶ There, however, exist vital and dangerous gaps on the supply side. Downsizing of the Western armed forces have affected their capacity to meet the rising demands for humanitarian intervention or even peacekeeping. It has been argued, for instance, that with substantial segments of its army tied down in Iraq, the US has greatly reduced her capacity to respond to a serious humanitarian threat, let alone to 'distractions' like Liberia or Haiti.⁷ Alternative

-
- 4 Kanishka Jayasuriya, 'Neo liberalism, Securitisation, and the New Transnational Regulatory Governance', Working Paper No.108, Asia Research Centre, Murdoch University, Perth, 2004, p.3
 - 5 Christopher Kinsey, 'Corporate Soldiers and International Security: The Rise of Private Military Companies', Routledge, USA, 2006, p.122
 - 6 Michael Bryans, Bruce D. Jones and Janice Gross Stein, 'Mean Times: Humanitarian Action in Complex Political Emergencies—Stark Choices, Cruel Dilemmas', *Report of the NGOs in Complex Emergencies Project, Coming to Terms*, Program on Conflict Management and Negotiation, Centre for International Studies, University of Toronto, Vol.1, No.3, January 1999, p.34
 - 7 Neil S. MacFarlane, Carolin J. Thielking, Thomas G. Weiss, 'The Responsibility to Protect: Is Anyone Interested in Humanitarian Intervention?', in *Third World Quarterly*, Vol.25, No.5, 2004, p.986

approaches like regional or sub-regional initiatives towards conflict management have also been attempted without much success. In this connection, vacuum situations in many conflict zones in the post-Cold War period, have attracted greater PSC involvement. The EO's mission in Sierra Leone, for instance, cost US\$ 35 million for a 21-month engagement period during which the rebels were defeated and forced to the negotiating table. The UN mission that took over subsequently, in contrast, cost US\$ 47 million for an 8-month period, during which the ceasefire agreement broke down and insecurity returned. In total, the UN mission to Sierra Leone had cost US\$ 600 million per year over a seven-year period. EO operations in Angola and Sierra Leone, in contrast, were able to turn the tide of war and create a stable climate in which negotiations and elections could proceed.⁸ Similarly, Ronco, a US based PSC, was able to consolidate the Rwandan state border and bring about rural security following the 1994 genocide.⁹

The demand for security by humanitarian NGOs while involved in operations in the conflict zones seems to be rising in recent years. According to a report prepared by the Afghanistan NGO Safety Office (ANSO), for instance, insecurity would prevent the NGOs from reaching out to the distressed people leading to further proliferation of insecurity.¹⁰ As a result of lack of alternatives, such organisations often have to depend on local vigilante or militia groups for protection. Many NGOs working in the conflict zones of the 'failed' or 'failing' states, have had to develop quasi-contractual relationships with local 'security' units, clans or warlord groups to protect their staff and allow their operations to continue. In reality, as one analyst notes, these

8 Michelle Small, *Privatisation of Security and Military Functions and the Demise of the Modern Nation-State in Africa*, Occasional Paper Series: Volume 1, Number 2, The African Centre for the Constructive Resolution of Disputes (ACCORD), 2006, p.24

9 Ibid, p.24

10 'Insecurity in Afghanistan', Afghanistan NGO Safety Office (ANSO) and CARE, 2005, p.8

relationships are more in the nature of a protection racket (guards are paid off mainly to prevent them or affiliates from attacking an agency's assets or staff) than a professional relationship, and empowers the local criminal groups.¹¹

For humanitarian agencies operating in conflict zones, turning to the PSCs for protection, thus, provides a better and often, only alternative. According to one recent estimate, in recent years more than 40 NGOs have signed contracts with private military firms. Contracts have been held by a range of humanitarian agencies, including privately funded NGOs (both secular and religious), state governments and internationally mandated organisations.¹² The UN was previously highly sceptical of such private security firms. The UN Report on Mercenaries prepared in 1997, for instance, had criticised the trend towards outsourcing and privatising of various military functions. The Report had also noted that in order to fulfil their contracts and at the same time make profits, some of these trans-national companies have, through subsidiaries or hiring companies, created, stimulated, and fuelled the demand in Third World countries for former military personnel and ex-policemen to be recruited as security personnel, who in fact, are private militarily armed soldiers.¹³ Moreover, the UN Report also noted how private contractors had managed to exploit legal loopholes and commit gross irregularities in the zones of armed conflict.¹⁴

11 Peter Singer, 'Humanitarian Principles, Private Military Agents: Some Implications of the Privatised Military Industry for the Humanitarian Community', in Victoria Wheeler and Adele Harmer (eds.), 'Resetting the Rules of Engagement: Trends and Issues in Military-Humanitarian Relations', *Humanitarian Policy Group Report* 22, Overseas Development Institute, London, March 2006, p.71

12 Ibid, p.69

13 'Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-Determination', *United Nations Working Group Report*, A/62/301, August 2007, p.20

14 Ibid, p.20

As a sign of changing priorities and increasing acceptability, at least seven different UN agencies have hired PSCs in recent years for various activities, ranging from guarding of UN personnel and offices in war zones, to transporting of food to the refugees.¹⁵

Debate over the Issue

Such developments have, however, led to further complications. In conflict zones, for instance, closer interactions between the NGOs and the PSCs have consequently resulted in identification of such humanitarian agencies with major corporate interests and/or Western state interests, represented through such PSCs.¹⁶ In this connection, it is interesting to see the PSCs making serious efforts to highlight their non-partisan attitude and responsible behaviour through intense lobbying and propaganda. The International Peace Operations Association (IPOA), founded in 2001, is one of the front-ranking organisations of such firms belonging to the self-styled 'Peace and Stability Industry'. Its mission statement says:

Innocent civilians form an overwhelming majority of the victims in low-intensity conflicts around the world. Alleviating their suffering and bringing long-lasting solutions to these conflicts is one of the most serious challenges facing the international community in the 21st century. IPOA believes private companies and organizations

15 Peter Singer, 'Humanitarian Principles, Private Military Agents: Some Implications of the Privatised Military Industry for the Humanitarian Community', n.11, p.70

16 Kjell Bjork and Richard Jones, 'Overcoming Dilemmas Created by the 21st Century Mercenaries: Conceptualising the use of Private Security Companies in Iraq', *Third World Quarterly*, Vo.26, No.4, 2005, p.785

specializing in peace operations can make a major contribution to this effort by providing fast, successful and cost effective solutions.¹⁷

Apart from such direct propaganda, indirect endorsement for increasing use of PSCs in conflict zones seems to be growing within sections of the global strategic community. It has been argued, for instance, that if the national governments prove to be unwilling to let their security forces participate in global humanitarian actions, using private security agencies may be an alternative in complex political and humanitarian emergencies.¹⁸ The use of PSCs has been particularly advocated for their capacity to be deployed quickly. It has been argued, for instance, that the average deployment time for most regular militaries is around two to four months, while for the UN it is six to eight months. PSC personnel, in contrast, can be deployed for similar missions within two to six weeks.¹⁹ Moreover, it has been further argued that far from eclipsing the state institutions in the areas of their operations, the PSCs in fact, often provide crucial technological help and expertise to poorly equipped militaries of the weak states playing a critical role in helping to end conflicts.²⁰

The proliferation of PSCs, in the context of global developments, seems to be an acceptance of reality, a response to the changing nature of the global security paradigm, however unpalatable that fact may be

17 Source: International Peace Operations Association (IPOA) website (http://ipoaonline.org/php/index.php?option=com_content&task=view&id=14&Itemid=31) (accessed: May 14, 2008)

18 Michael Bryans, Bruce D. Jones and Janice Gross Stein, n.6, p.36

19 Dough Brooks and Matan Chorev, 'Ruthless Humanitarianism: Why Marginalizing Private Peacekeeping kills people', in Andrew Alexandra, Deane-Peter Baker and Marina Caparini (eds.), 'Private Military and Security Companies: Ethics, Policies and Civil-Military Relations', Routledge, USA, 2008, p.120

20 Ibid, p.124

in certain quarters.²¹ Moreover, the corporate nature of such PSCs has led to a great degree of professionalism. Far from adopting illegal methods, the global PSCs have tended to use internationally accepted legal and financial instruments to secure their deals, and so far have supported only recognised governments and have avoided regimes unpalatable to the international community.²²

In contrast to such advocacies for their increased use, the sceptics, however, argue that the association of humanitarian agencies with PSCs is a dangerous trend which may result in numerous problems. According to one analyst, for instance, the humanitarian agencies hiring PSC personnel may easily become identified with the activities of intervening states in conflict zones due to the common PSC denominator, which would make them suspect to the local populace.²³ Another noticeable trend of the PSCs, particularly the Western ones that operate at the global level, has been to hire personnel operating at the lower level of the spectrum, from the developing and underdeveloped parts of the world at comparatively cheaper rates. In this connection, one analyst has accused the primarily Western PMSCs of increasingly recruiting third-country nationals from developing states as sources of cheaper labour such as Fiji, El Salvador, Honduras, Chile, Colombia, Philippines, Nepal, India, and Uganda. Moreover, it has also been alleged that these recruits are often inadequately trained and given insufficient protective clothing or weapons, and provided with poor health and insurance coverage.²⁴

21 Thomas K. Adams, 'Private Military Companies: Mercenaries for the 21st Century', in Robert J. Bunker (ed.), 'Non-State Threats and Future Wars', Frank Cass, London, 2003, p.60

22 David Shearer, 'Outsourcing War', *Foreign Policy*, No.112, Autumn, 1998, pp. 68-69

23 Christopher Spearin, 'Humanitarian Non-Governmental Organizations and International Private Security Companies: The "Humanitarian" Challenges of Moulding a Marketplace', Policy Paper No.16, Geneva Centre for the Democratic Control of Armed Forces (DCAF), Geneva, p.12

24 Marina Caparini, 'Regulating Private Military and Security Companies: The US Approach', in Andrew Alexandra, Deane-Peter Baker and Marina Caparini (eds.), n.19, p.173

Burgeoning Local Level Resentment against PSCs in Conflict Zones

As a result of such factors, there has been burgeoning resentment against the PSCs operating in the global conflict zones. Privatised protection of the institutions delivering aid and reconstruction is getting them linked, in local popular perception, to exacerbating conflict, entrenching negative perceptions and reinforcing the perception that all foreign controlled agencies engaged in the conflict zones are part of a continued process of political, economic and social exploitation by the victorious occupationary forces.²⁵ A recent Working Paper published by the Swiss Peace Foundation, has made a detailed study of the causes behind such local resentment by undertaking two case studies of PSC involvement in Angola and in Afghanistan. In case of Afghanistan, the Report indicates that:

Typically, PSCs prefer staff to have some military or police experience. In Afghanistan this de facto biases the recruitment pool to individuals with militia/factional background. In fact, interviewees and focus group participants claimed that among the Afghan nationals working for PSCs many are former militia commanders and their fighters. PSCs, for instance, seem to contract militias as an expedient way to obtain 'ready to go' armed and trained manpower rather than hiring individually. Some estimate that about 80 % of PSC staff in Afghanistan have a militia background.²⁶

Moreover, as the report indicates, the rising demand for armed security personnel have proliferated the demand for small arms, which has led to a thriving black market in small arms. A recent Amnesty International

25 Kjell Bjork and Richard Jones, n.16, p.791

26 Ulrike Joras and Adrian Schuster (eds.), 'Private Security Companies and Local Populations: An Exploratory Study of Afghanistan and Angola', Working Paper No.1/2008, Swiss Peace Foundation, April 2008, p.13

Report indicates that the available data and other reports show that the current estimated total for all Afghan security forces (police, army and security service) is 182,000 personnel, while the number of small arms known to be imported and redistributed since 2002 amounts to 409,022. These add to the already existing millions of small arms already possessed by individuals and armed groups in Afghanistan. This level of supply is disturbing in the context of a population already subjected to the abusive use of very high numbers of small arms in circulation, and a faltering security sector reform process.²⁷ Weapons are easily available and local administrators face difficulties to control and reduce the number of weapons circulating. The use of (unregistered) arms by the PSCs, in this connection, raises concerns by those interviewed that this may contribute to small arms proliferation and overall insecurity. In fact, reaction of the local people in Afghanistan, as reflected in the Swiss Peace Foundation Report, indicates increasing frustration and sense of powerlessness regarding the current situation. The majority of Afghans feel scantily protected by their own security forces, thus forcing them to mostly fend for themselves. The PSCs, in this connection, act as additional security actors in a situation of poor governance, which in turn, increases the sense of insecurity due to the lack of institutional checks on them.²⁸

The quick proliferation of PSCs in Afghanistan is, however, a response to a clear market demand for security services. According to the PSC clients and UN officials, most international actors are not willing to remain in an environment of deteriorating security as prevailing currently in Afghanistan without adequate protection. In a situation where the local security forces are not able to provide adequate security

27 Document Afghanistan: arms proliferation fuels further abuse, AI Public Briefing – AI Index: ASA 11/004/2008 3 April 2008(<http://www.amnesty.org/en/library/asset/ASA11/004/2008/en/0869e616-018c-11dd-b95b-f14e309c7fde/asa110042008eng.html>)(accessed: September 12, 2008)

28 Ulrike Joras and Adrian Schuster (eds.), n.26, p.23

and the outreach of the international peacekeeping force is limited, private actors fill this gap. Many support functions of the international military have also been increasingly outsourced to the private sector. It has been noted that given the currently high unemployment rates, especially among (uneducated) ex-militia, PSCs could help in absorbing the abundance of unemployed men. PSCs are particularly helpful in providing employment opportunity for former militia fighters who may not have the skills to work in civilian jobs. While it has been acknowledged that the PSCs could function as part of a reintegration mechanism for previous militia fighters, the local people are, however, divided in their opinion whether they represent a contradiction to the formal Disarmament, Demobilisation and Reintegration (DDR) process, since in some cases former militia fighters were 're-mobilised' and 're-armed' as PSC employees.²⁹ The most important finding is that those interviewed did not feel that the PSCs had a positive impact in improving their 'human security'. The PSCs were perceived instead, as exclusively working for international organisations, especially those not so familiar with the terrain in Afghanistan.³⁰ As one interviewee commented, 'How can we assess how helpful they [PSCs] are? How do we know that they do not have a role in making the country more instable in order to keep their job?'³¹

PSCs provide the former militia fighters opportunities for employment and a chance to retain their important social status without having to give up weapons or change their behaviour pattern. According to a UN official, Kabul alone may have 60,000 armed individuals outside the government structure, who are available to be absorbed into the private security business. Some of them disappeared from official

29 Ibid p.26

30 Ibid, p.27

31 Ibid, p.27

lists fairly early in the DDR process.³² The Afghan government and the international community had originally launched the DDR and the Disbandment of Illegal Armed Groups (DIAG) programmes to demobilise and disarm such illegal armed groups. Such programmes have started to lose momentum as the reliance on private security groups continues to increase. Sometimes, these companies work at cross-purposes. Recently, for instance, the employees of one security firm, the Blackwater International, raided the office of another American security company U.S. Protection and Investigations, which works for the US State Department's USAID programme, in Kabul.³³

The Afghan government has made some attempts to control and regulate the proliferating PSI in the country. The Afghan police, for instance, has recently shut down the Afghan-run security companies Watan and Caps, when 82 illegal weapons were found during two raids on their offices in Kabul.³⁴ The Afghan government says that it is trying to control supply and distribution of illegal weapons and improve regulation of the PSI, that has grown from nothing in 2001, to at least 60 companies employing almost 30,000 people, including nearly 10,000 foreigners.³⁵

In Iraq, like in Afghanistan, there has been a strong link between the private sector led reconstruction effort and the surrounding security apparatus and the Iraqi population's perception of socio-economic exploitation. In the eyes of the local Iraqi population there are blurred boundaries between the foreign armies, international private contractors

32 Ibid, p.29

33 'Afghanistan Cracks down on Private Security Companies', Fox News, October 11, 2007 (Source: <http://www.foxnews.com/story/0,2933,301149,00.html>) (accessed April 26, 2008)

34 Ibid

35 Jeremy Page, 'Afghanistan: Security Companies Fall Foul of Gun Controls', in *The Times*, London, February, 11 2008

and PSCs who work for both—the occupying army and foreign private contractors.³⁶ Such growing resentment among the local population adversely affects the counter-insurgency campaign and emboldens the various insurgent groups. Very recently, for instance, an Iraqi militant group, the Islamic Army, has released a propaganda film on the Internet, which has targeted the PSCs operating in Iraq. The release note of the propaganda film is titled ‘Bloody Contracts’. It says:

In God’s will, the brothers in Central Media Department of the Islamic Army In Iraq are pleased to present this special segment about private security companies in Iraq and the role of their criminal acts under the umbrella of the occupation and how our brothers (the Mujahideen) have taught them lessons in retaliation for their crimes.³⁷

According to Ben Venzke, the chief of Intel Center, an organisation which meticulously tracks insurgent and jihadist propaganda, the film ‘Bloody Contracts’ shows that the private security personnel are not being targeted just as an extension of the US forces but rather as a direct threat. While attacks on contractors are nothing new, this video is a sign that the threat profile for contractors has continued to increase and more direct threats are expected to take place in the future as the distinction between combat and non-combat duties begin to further erode.³⁸

In fact, instances of the line blurring between combat and non-combat duties performed by PSC personnel are to be found wherever they operate. For example, the International Charter Inc (ICI) and the Pacific

36 Kjell Bjork and Richard Jones, n.16, pp.778-779

37 Islamic Army in Iraq, Jihad and Reform Front, Islamic Army of Iraq website (Source: http://iaisite.eng.org/index.php?Option=com_content&task=view&id=1194&Itemid=36) (accessed: May 1, 2008)

38 Cited in Noah Shachtman, ‘Insurgent Vid Targets Blackwater, Other Contractors’, April 23, 2008 (Source: <http://blog.wired.com/defense/2008/04/insurgents-have.html#more>) (accessed: May 1, 2008)

Architects and Engineers (PAE) provided military aviation support to the Economic Community of West African States (ECOWAS) peacekeeping force in Liberia. Another company, Defence Systems Limited (DSL) (renamed as ArmorGroup) provided transport, maintenance, communications, and engineering services for the United Nations Protection Force (UNPROFOR) in Bosnia.³⁹ In April 2004, Blackwater commandos defended the US headquarters in Najaf against an attack by hundreds of Iraqi militia using a variety of methods, including flying helicopters to ferry in fresh ammunition. Some PMSCs have been more forthcoming than others in seeking to redefine their roles. Blackwater's vice-chairman Cofer Black, for instance, in a press conference held in March 2006, said that Blackwater was ready to move towards providing private armies, up to battalion size, for use in low-intensity conflicts, and also suggested possible engagement in Sudan.⁴⁰

The involvement of PSCs in clandestine activities and their transgression of the line between legal and illegal is nothing new. In 1988, for instance, Prince Bernhard of the Netherlands, a co-founder of the World Wildlife Fund (WWF) along with Prince Philip of Britain established a special hit squad within the WWF under the name of 'Operation Lock', ostensibly charged with stopping the poaching of elephants and rhinos in South Africa's national parks. Operation Lock involved Kilo Alpha Services (KAS), a private security firm set up by David Stirling, founder of the British Special Air Service (SAS) in 1987. Most members of the KAS were former SAS personnel.⁴¹ Operation Lock, it has been alleged, was instrumental in instigating the fratricidal

39 Fabien Mathieu and Nick Dearden, 'Corporate Mercenaries: The Threat of Private Military and Security Companies', *War on Want*, UK, November 2006, p.5

40 'U.S. firm offers private armies for low-intensity conflicts', *World Tribune*, 29 March, 2006 cited in Fabien Mathieu and Nick Dearden, *Corporate Mercenaries*: n.39, p.8

41 Rosaleen Duffy, 'Killing for Conservation: Wildlife Policy in Zimbabwe', Indiana University Press, UK, 2001, p.61

warfare in South Africa between the African National Congress (ANC) and the Inkatha, which killed nearly 10,000 people between 1990 and 1995. KAS supervised commando training of the Zulu followers of Chief Buthelezi's party, Inkatha, who were employed as game wardens and guards in several South African national parks. It also undertook the training of opposing *Xhosa* tribal followers of Nelson Mandela's party, ANC, in different parks.⁴² In another instance of contractor involvement in clandestine activity, several DynCorp employees were accused of being involved in running a prostitution ring consisting of under age refugee or orphaned girls during the Bosnia crisis.

The Issue of Regulating PMSC Activities in Conflict Zones

There seems to be little effective control which can be exercised on these organisations. In the US, for instance, all PSCs, must register and obtain a State Department license, in order to operate. In practice, enforceability, accountability, consistency, and transparency are all lacking along with evaluation mechanisms. Only contracts in excess of US\$ 50 million require Congressional notification. What is more, the PMSCs can sell their services through the Pentagon's Foreign Military Sales (FMS) programme which requires no licensing.⁴³ The influence of the PSI has been further enhanced through intensive lobbying. The revolving door practice, in which retired government officials and civil servants often become members of such organisations, has been an added factor in enhancing their influence. The UK government's Green Paper in 2002 also suggested the need to have a better licensing

42 Joseph Brewda, 'The SAS: Prince Philip's Manager of Terrorism', *Executive Intelligence Review*, Volume 22, No.41, October 2005 (Source: http://www.larouche.com/eirtoc/1995/eirtoc_2241.html) (accessed: April 30, 2008)

43 Fabien Mathieu and Nick Dearden, n.39, p.19

system in order to curb the activities of such private security groups. In recent years, there have been some attempts towards self-regulation. Leading British security firms, for instance, have formed the British Association of Private Security Companies (BAPSC) in February 2006, and some PSCs in the US have formed the International Peace Operations Association (IPOA). These associations have drawn up rules of conduct in operation zones, but such exercises have only had a limited impact on the operations of member organisations. In a recent workshop organised by the Institute for International Law and Justice (IJI), New York University School of Law, on the issue of legal control over PMSCs, several recommendations were made:

- i. Victims of wrongdoing by PMSCs should have access to a remedy. If a victim does not have access to a remedy in the territory in which the wrong occurred, he or she should have access to a remedy in the state of incorporation of the PMSC or in the contracting state.
- ii. Immunity should not normally be granted to PMSCs. Where it is granted, immunity in one jurisdiction must never result in impunity.
- iii. States must exercise oversight of contracts for private military and/or security services.
- iv. States should report on their contracts for private military and/or security services to an appropriate national oversight body, such as a parliament.
- v. Non-state clients of PMSCs (such as intergovernmental organisations, NGOs, corporations) should be transparent in their dealings with PMSCs and develop best practices for such contracts.
- vi. A global code of conduct should be adopted.
- vii. A short handbook of obligations of PMSC personnel should be drafted and widely disseminated.⁴⁴

44 Source: Workshop Report and Chair's Summary on 'Regulating the Private Commercial Military Sector', Institute for International Law and Justice (IJI), New York University School of Law, March 22-24, 2007, p.7

To what extent would such recommendations be implemented by the state authorities or adopted as self-regulatory mechanisms by the PSCs are, however, doubtful. The existing governing structures are also often incapable of dealing appropriately with the private contractors. As one scholar has shown, the PSCs which have been accused of misconduct or defrauding the US government in the recent intervention in Iraq, have frequently suffered no consequences beyond having to repay the government where it could be verified that they had overcharged the armed forces. In fact, most of the companies which have been involved in fraud have been awarded new government contracts, irrespective of their past records, due to lack of competition for larger projects.

Privatisation of Security: The Asian Context

4

Privatisation of violence and security has been a steadily growing phenomenon in Asia also. An indicator of the privatisation of violence, in the continental context, has been the rising prominence of non-state actor/group oriented sources of threat to the existing state structures in almost all regions of Asia. Most nation-states in Asia are weak and new entrants to the international order, having for long, served as 'peripheries' to the Western colonial powers. Moreover, being recent entrants to the global world order as members of the Third World, most of these countries were involved in developing their own agendas of development which in many cases often intensified the already existing societal differences over distributional issues related to the proceeds of the development process leading to societal conflicts. Most of the poor Asian countries neither possessed the resources nor the capabilities to monopolise control over violence. Moreover, as many nation-states within Asia, fit into the model of 'Low Intensity Democracies', trying to seek a balance between frictions resulting from increasing rates of social mobilisation and opposing forces from the dominant conservative elements at the top, the governments are often tempted to adopt illiberal policies and extraordinary measures to ensure elite domination and tackle the resulting security related threats.¹

Most of the states in Asia are also subject to societal conflicts originating from primordial instincts or loyalties (particularly ethno-religious

1 For details on the concept of 'Low Intensity Democracy', see, Barry Gills and Joel Rocamora, 'Low Intensity Democracy', in *Third World Quarterly*, Vol.13, No.3, 1992

sentiments) shared by groups or communities which often turn into major challenges for the states in the form of insurgency dominated secessionist movements or into movements threatening to alter existing state structures. As already indicated above, the major state controlled institutions dealing with security like the army and paramilitary forces or the police, already weakened or incapacitated by various factors, are often incapable of dealing with such threats. In this context, and keeping pace with the trend towards privatised security evolving in other parts of the world, Asian states have tended to use various non-state actors in conflict zones along with the regular security forces. Moreover, the post-Cold War years and the advent of globalisation has witnessed a sharp rise in this trend, often seen as an appropriate measure to deal with the diffused nature of new security related threats being posed mostly by non-state actors at the local as well as global level.

PSCs Proliferating in Asia

Keeping with the trend all over the world, privatisation of security has been a conspicuous development in other parts of Asia as well, apart from Afghanistan and Iraq. This has involved both the proliferation of corporate PSCs, domestic and international, involved in various activities, as well as more amorphous pro-government vigilante groups. There, in fact, exists a history of global PSI involvement in conflict zones of Asia even before the ending of the Cold War. In 1984, for instance, one such company, Keenie Meenie Services (KMS), set up in 1977, was approved by the British government to train the Special Task Force (STF) arm of the Sri Lankan military fighting a civil war against the Liberation Tigers of Tamil Eelam (LTTE). By 1987, however, KMS had stopped such assistance and moved their 200 personnel to Latin America. The British press had reported, (though the company later denied it), that KMS personnel were quitting their jobs because of differences with the Sri Lankan authorities over the nature of campaign

against the Tamil civilian population in Sri Lanka.² KMS closed down during the 1990s and most of its business passed on to Saladin Security Limited, which was originally established as a subsidiary of KMS. At present, the Saladin Group is a major PSC operating in Afghanistan and in several countries of West Asia. The abortive coup attempt in Papua New Guinea by Sandline International in 1997 is another example of international PSC involvement in Asia. Recently, some PSCs have emerged which mostly recruit ex-Gurkha soldiers from Nepal. The Gurkha International Group, for instance, was founded in 1994, by retired members of the British Army's Brigade of Gurkhas to provide security related employment for retired Gurkha soldiers and for other Nepalese men and women. Another company, primarily consisting of ex-Gurkha soldiers of the British army is the Gurkha Security Services Limited. According to one report, a French PSC is involved in de-mining operations in Cambodia. In 1996, the Indonesian special force was trained by the EO. In Malaysia, a PSC named TASK International was involved in training the Royal Malaysian Police for the Commonwealth Games held in September 1998 in Kuala Lumpur.³

PSCs emerged in China for the first time in 1986. At present, China has more than 2,300 private security service companies with over one million staff. The need for elaborate security arrangements for the Beijing Olympics had given a further boost to the industry.⁴ Sometimes, however, use of private security contractors, particularly foreigners, tends to generate frictions at the local level. In Malaysia, for instance,

2 Source: http://www.sourcewatch.org/index.php?title=Keenie_Meenie_Services (accessed: April 30, 2008)

3 David Isenberg, 'Security for Sale', in *Asia Times Online*, 14 August, 2003, (http://atimes01.atimes.com/atimes/Front_Page/EH14Aa01.html) (accessed: May 28, 2008)

4 'China to Beef Up Security Guard Services', *Xinhua*, September 9, 2006 (Source: http://www.chinadaily.com.cn/2008Olympics/2006-09/21/content_693689.htm) (accessed: June 6, 2008)

employment of Gurkha security personnel in large numbers has tended to generate resentment among local private security personnel.⁵

The number of PSCs has particularly proliferated in the more conflict prone zones of Asia as the demand for security there has soared. The demand for private security services has, for instance, skyrocketed in Thailand in recent years, particularly in the wake of the mounting insurgency in the three southernmost provinces. Currently, there are as many as 3,000 private security companies operating in Thailand, a majority of which are small domestic providers with around 100 to 200 employees. Around 1,500 firms are medium-sized with 500 to 1,000 employees, and just 20 firms are large organisations employing at least 1,000 personnel. As a whole, the PSI in the country now has over 400,000 workers.⁶ PSCs have also proliferated in Philippines as a result of continuing insurgency in its southern provinces.

Privatising Maritime Security: The Asian Context

Some analysts in recent years have also advocated the development of Private Naval Companies (PNCs) based on existing infrastructure and contracted to supplement or complement strained naval and coast guard forces where gaps exist, particularly in the areas of anti-drug, anti-piracy, and anti-smuggling operations including terrorists and weapons that are conveyed by sea.⁷ Prior to the 9/11 incident, there was limited

5 Muda Mohd. Noor, 'Gurkha Guards—A Security Threat', in *Malaysiakini*, October 14, 2005, (<http://www.malaysiakini.com/news/41765>) (accessed: June 9, 2008)

6 Charoen Kittikanya, 'Thailand: Private Security Booms with Insecurity', in *Bangkok Post*, April 18, 2005 (Source: <http://www.corpwatch.org/article.php?id=12128>) (accessed: May 28, 2008)

7 For details on Private Naval Companies see, Claude Berube, 'Blackwaters for the Blue Waters: The Promise of Private Naval Companies', in *Orbis*, Vol.51, Issue 4, 2007, p.609

presence of Private Maritime Security (PMS). What existed was mainly in the form of close protection for luxury liners and expensive yachts. Since 9/11, however, private maritime security operators have begun to take advantage of the situation and are offering diverse security services. In the Asian context, there has been a proliferation of small private maritime security companies offering security services at sea in sea-lanes such as the Malacca and Singapore Straits.⁸ Southeast Asia is home to important sea-lanes and straits, including the Malacca Straits, one of the busiest waterways in the world and a notoriously piracy prone zone. More than 50,000 vessels on international routes transit the Malacca Straits each year, which connects the Indian Ocean with the South China Sea.⁹ The limited resources of some local law enforcement agencies in Southeast Asia, combined with corruption and other existing problems within some law enforcement agencies in the region, and limited cooperation between the regional states, has opened the door for a rising number of private companies offering maritime security services in Southeast Asia.¹⁰

PSCs in Southeast Asia currently provide the following maritime protection services:

- i. Risk Assessment and Consulting
- ii. Training of Crews, Port Authority Personnel or Military and Law Enforcement Units, and Vessel Tracking
- iii. Provision of (Armed) Guards on board Vessels or Vessel Escorts

8 Anand Pon, 'Role for Private Maritime Security in the Maritime Security Domain: Focus on Southeast Asia and the Indian Ocean Littoral', Paper Presented at the International Symposium on the Changing Oceanic Landscape in the Indian Ocean Region: Issues and Perspectives of Debate, Centre for Security Analysis, Chennai, December 13-15, 2006

9 Carolin Liss, 'The Privatisation of Maritime Security—Maritime Security in Southeast Asia: Between a Rock and a Hard Place?' Working Paper No.141, Asia Research Centre, Murdoch University, Perth, 2007, p.1

10 Ibid, p.12

- iv. Crisis Response, Investigation and Recovery of Hijacked Vessels and Cargoes, and the Rescue of Kidnapped Crew Members
- v. Fisheries Protection and Protection of Fishers against Poachers and Pirates¹¹

In view of the growing demand, a large number of companies based in Asia, as well as international PMS companies stationed outside Asia, have opened regional offices in Asian cities such as Singapore, Hong Kong and Bangkok.¹² Though a few PNCs like Glenn Defense Marine (Asia), established in 1946, are quite old and have offices in Singapore, Hong Kong, Indonesia and other countries in Asia, most of these companies are new entrants and have come up during the post-Cold War period.¹³ The importance of such private companies seems to be increasing even for the regular navies. Recently, for instance, the United States Navy hired Glenn Defense Marine (Asia) to protect its vessels while anchored in Asian ports.¹⁴ Analyst Anand Pon argues that there exists tremendous potential for use of private maritime security, which would, however, require suitable amendment of legislations particularly in the countries bordering the piracy prone Malacca Straits. For instance, the issue of allowing armed private escorts for ships and the case of jurisdiction in high seas continues to be a debated issue in the Southeast Asian countries.¹⁵ This is particularly so, as the rules and regulations regarding the bearing and use of weapons by private companies, vary from country to country.¹⁶

11 Ibid, p.3

12 Ibid, p.3

13 Ibid, p.12

14 Matthew Harwood, 'Private Security Companies Move to the High-Seas', (Source: [http:// www. securitymanagement.com/news/private-security-companies-move-high-seas](http://www.securitymanagement.com/news/private-security-companies-move-high-seas)) (accessed: May 23, 2008)

15 Anand Pon, n.8

16 Carolin Liss, n.9, p.16

Rise of Vigilantism in Asia

Apart from the rise of the corporate PSI, there has been a substantial growth in state sponsored vigilantism in conflict zones in Asia in the post-Cold War period. Vigilantism, in fact, has been used by the states in Asia even earlier as, 'unformalized agencies of state violence, through which questions of legality, constitutionality and accountability of a variety of state practices can be circumvented'.¹⁷ As mentioned earlier, the growth of vigilantism is associated with the process of weakening and/or withdrawal of the state and is also a manifestation of the trend towards privatisation of state services. The vigilante groups, in this connection, often represent spontaneous groups of the masses which are legitimatised and given organisational coherence by the concerned regimes and are mobilised to counter disorder and to reclaim public space from deviant formations.¹⁸ Vigilante groups have been operating in almost all conflict prone zones in Asia.

Use of vigilante groups by the state has been widespread in several countries of Southeast Asia. In Indonesia, for instance, in the post-Suharto period since 1999, the eroding monopoly of the army over internal security along with the process of regional autonomy and the onset of multi-party democracy have led to the introduction of such vigilante forces in the island of Bali and Lombok. In Bali, there has been the rise of the *Pecalang*, the traditional ritual guards closely associated with the Indonesian Democratic Party [PDI (P)], who have been assigned various security related functions. In another Indonesian

17 Jayadeva Uyangoda, 'Militarization, Violent State, Violent Society: Sri Lanka,' in Kumar Rupesinghe and Khawar Mumtaz (eds.), 'Internal Conflicts in South Asia' Sage Publications, London, 1996, p.119 cited in, Ajay Darshan Behera, 'Politics of Violence and Development in South Asia', RCSS Policy Studies 6, Regional Centre for Strategic Studies, Colombo, 1999, p.97

18 David Kowalewski, 'Counterinsurgent Vigilantism and Public Response: A Philippine Case Study, *Sociological Perspectives*, Vol. 34, No.2, Summer, 1991, p.128

island, named Lombok, the traditional religious leaders, known as the *Tuan Guru*, are using their own private armies known as the *Pam swakarsa* for security related purposes. Such developments have led to the severe weakening of the authority of the police.¹⁹ According to one analyst, the proliferation of such vigilante groups in the post-Suharto period has transformed the state's militarism on a more communal level. If the society was policed during the Suharto era by a centralised military, it is being policed today in a no less brutal fashion by home-grown civilian security groups.²⁰ The *Pecalang* is also involved in guarding of tourist spots and crowd control during festivals in Bali.

Apart from revival of such traditional organisations, there has also been a proliferation and use of various government sponsored paramilitary forces and village militias in the insurgency affected areas of Southeast Asia. In the southern provinces of Thailand, for instance, government protection has been considered inadequate by the Buddhist community in the wake of recurrent attacks targeting the community by Muslim militants. As a result, *Ruam Thai* (Thais United), a clandestine civilian militia, was formed in 2005 by a small group of police in Yala led by a person named Colonel Phitak Iadkaew.²¹ According to Phitak, he has received no government funding, but credible sources have reported that some team leaders have been able to get support from the regional sub-district councils to buy weapons. The Thai government has also initiated a policy of providing cheap loans for teachers, police, and other civil servants in the Southern provinces to buy guns for self-defence.²²

19 For details see, 'The Perils of Private Security in Indonesia: Guards and Militias on Bali and Lombok', *International Crisis Group Asia, Report No.67*, Jakarta/Brussels, November 2003, pp.23-24

20 John M. MacDougall, 'Self-reliant Militias: Homegrown Security Forces wield greater power in Lombok', in *Inside Indonesia*, Jan-March 2003, (<http://www.insideindonesia.org/edit73/MacDougall%20militants.htm>) (accessed: May 29, 2008)

21 'Southern Thailand: The Problem with Paramilitaries', *Asia Report No.140*, October 23, 2007, International Crisis Group, p.19

22 Ibid, p.20

Vigilantism has been on the rise in the conflict zones of South Asia also. In Nepal, for instance, the government had made use of vigilante groups during its fight against the Maoists. The Nepalese government security forces, unable to counter the Maoist intrusion into villages, had turned to creating and arming citizen defence units, commonly referred to as vigilante groups, drawing on local villagers fearful of or seeking revenge against the Maoists as well as local criminal groups, eager to acquire weapons and power. The introduction of barely trained armed vigilantes further blurred the distinction between civilians and combatants often placing civilians at greater risk. In one instance of gruesome vigilantism, on February 17, 2005, mobs in the Kapilavastu district beat and burned to death at least 31 supposed Maoists or Maoist sympathisers and burned down hundreds of houses. Their actions were actively condoned by the local security forces and then praised by government ministers.²³ The Human Rights Watch's recent research found compelling evidence that the Nepalese government had created and sponsored vigilante groups throughout the southern Terai region, from Bardiya in the west to Ilam in the east. Senior leaders of vigilante groups admitted that they had received official government support, including rifles and shotguns, a month-long training programme at army barracks and government licenses identifying them as members of 'Village Peace and Development Volunteer Mobilization Groups'.²⁴ The poorly trained and ill-disciplined vigilante groups frequently acted abusively toward the local population they were ostensibly protecting, beating and at times killing those suspected, however, flimsily of being Maoist sympathisers, extorting 'donations', and violently intimidating

23 Nick Grono, 'The Present Human Rights Situation in Nepal', Presentation made at panel discussion with The International Commission of Jurists, Amnesty International, Human Rights Watch and International Crisis Group at the Commission on Human Rights in Geneva, March 29, 2004 (<http://www.crisisgroup.org/home/index.cfm?id=3394&l=1>) (accessed: May 29, 2008)

24 'Nepal's Civil War: The Conflict Resumes', Human Rights Watch Briefing Paper, March 2006 (<http://hrw.org/english/docs/2006/03/28/nepal13078.htm#9>) (accessed: May 29, 2008)

villagers. They were also often accompanied by members of the security forces who reportedly did not intercede to stop vigilante abuses.²⁵

Vigilante groups have also been used by the Sri Lankan state recurrently during the course of its long drawn war with the LTTE. These have included breakaway LTTE factions, minority Muslim groups and numerous Sinhalese vigilante groups. Civil liberty groups, however, have accused such groups of harassing and terrorising the innocent Tamil civilian population.

Various vigilante groups, often raised by sections of the Islamist clergy are increasingly becoming prominent in Pakistan also. In case of Pakistan, one recent newspaper report indicated that a strategy paper, 'tribal proposal', has been prepared by staff members of the United States Special Operations Command, which proposed to expand the presence of American military trainers in Pakistan and directly finance a separate tribal paramilitary force and pay militias that agreed to fight Al Qaeda and foreign extremists.²⁶

Privatised security, thus, has become an established part of the evolving security paradigm in the Asian region. It has been operating at multiple levels and generating an impact at different levels. While the increasing involvement of corporate, globally operating PSCs in conflict zones of Afghanistan and Iraq tend to attract more attention within strategic circles with regard to its implications, the proliferation of localised non-state groups, corporate PSCs or vigilante and militia groups are generally accorded low priority. Proliferation of such groups, however, tend to generate serious implications like weakening of state institutions in different regions in Asia and more importantly, in making privatised violence a prominent feature of Asian societal formations. The overall result has been the rise of diverse security related threats, specific or more institutional oriented.

25 Ibid

26 Eric Schmitt, Mark Mazzetti, Carlotta Gall, 'U.S. Hopes to Use Pakistani Tribes against Al Qaeda', in *The New York Times*, November 19, 2007.

Indian Engagement and Concerns with Privatised Security

Privatisation of the security paradigm has been a steadily growing phenomenon in India also. Though there is a historical precedence going back to the pre-colonial and colonial period, a major trend towards privatisation of security has become more evident especially in the post-Cold War years and/with the onset of globalising trends particularly as the process has become linked with the evolving regional pattern of state/society relations concerning the withdrawal/failure of the state. Such trends towards privatisation of security had initially been greeted with a great deal of scepticism and were equated with crass commercialism unleashed by the forces of globalisation. According to one analyst, for instance:

The ideology of globalisation has similar aversion to the concept of national security as it has to the national-welfare economy. The globalists would like to see both dismantled and substitute them with a private military and security network, in the larger interest of global capitalism.¹

In order to explain his scepticism over the possible course of privatisation of security in the Indian context, the same analyst recounted his experience of a conversation he had some time back with a fellow colleague in the Indian defence service. He recalled that:

1 Atul Bharadwaj, 'Understanding the Globalisation Mind Game', in *Strategic Analysis*, Vol.27, No.3, July-September 2003, p.327

Sometime in 1995, I happened to listen to a senior Indian defence officer, who like most of us, was bitten by the privatisation bug. He was of the opinion that defence should gradually move towards privatisation. He proposed that the Indian armed forces should demand money from the Reliance group of companies for protecting their assets in Gujarat from a possible attack by Pakistan. The officer's argument was devoid of logic because, an industrialist would prefer to pay directly to the Pakistan military and ensure foolproof security rather than investing in the Indian military. One of the biggest Indian business houses, the Tatas, did exactly the same thing, when they paid the organisation ULFA, to protect their tea gardens in Assam, rather than relying on the Indian state for security.²

Such scepticism notwithstanding, privatised security has become a growing global phenomenon affecting our region and country. While acknowledging the impact of globalisation, one must remember that a complex process like the privatisation of security encompasses multiple factors and a vast range of activities that defy any single explanation. Trends towards privatised security, in this connection, are reflective of significant structural changes taking place in socio-economic, political and global strategic spheres and growing interconnectedness as similar models of controlling violence get emulated and practised all across the world. Trends towards privatisation of security in India, thus, have to be seen in this larger global as well as regional context.

Keeping pace with global trends towards diversified forms of privatised security, this phenomenon is also happening in India in many forms.

Many former Indian personnel from the defence services, for instance, are serving as private contractors in the PSCs operating internationally. Indian ex-servicemen, recruited through private security agencies, have

2 Ibid, pp.326-327

been reported to be serving in Iraq, some of them taking part in active combat with casualties being reported.³ According to another report, the PSCs serving in Iraq have hired nearly 1,500 Indian nationals in violation of New Delhi's ban.⁴

Given this emerging reality, instead of remaining totally averse to the trend on moral and ethical grounds, one could perhaps analyse the possibilities of using indigenous PSCs as a possible new strategic leverage, particularly in the regional context, from the standpoint of realpolitik. In this connection, it would not be out of place here, to give the example of the increasing presence of Chinese private security contractors in Zimbabwe. According to a recent report, apart from providing protection to Chinese companies, some of these armed contractors are also assisting the Mugabe government in maintaining law and order.⁵ Chinese armed contractors, for instance, have been recently seen patrolling the streets of the eastern Zimbabwean border town of Mutare along with the Zimbabwean troops, during a strike called by Mugabe's political opposition. The Chinese Embassy has denied that there were any official Chinese troops stationed in Zimbabwe, but has admitted that the local Chinese owned companies have hired private security personnel to protect their interests.⁶

In this connection, the Indian involvement in reconstruction efforts in Afghanistan has brought to home the practical implications of growing convergence of development and security. Indian personnel have become a target of the Taliban and other anti-government

3 Salman Haider, 'Horror Tales from Iraq', *The Statesman*, Kolkata, May 11, 2004

4 'Private Military Companies Paying Big Bucks for Elite soldiers in Iraq', *World Tribune*, October 15, 2004 (http://www.worldtribune.com/worldtribune/WTARC/2004/me_iraq_10_15.html) (accessed: June 7, 2008)

5 Adam Geibel, 'Asian Mercenaries in Zimbabwe', (Source: http://www.privateforces.com/index.php?Option=com_content&task=view&id=2141&Itemid=1) (accessed: April 30, 2008)

6 Ibid

groups in Afghanistan. The frequency of attacks on Indian workers in Afghanistan has increased in recent years. Of particular importance in this connection is the Border Roads Organisation (BRO) that is building the Zaranj-Delaram road in Afghanistan leading to the Iranian border, which has been repeatedly attacked. The Indian government has deployed a contingent of the Indo-Tibetan Border Police Force (ITBP), which has also come under attack. In January 2008, for instance, two Indian security personnel of the ITBP contingent were killed and six others critically injured when a suspected Taliban militant blew himself up near the BRO office in Afghanistan, sending shock waves among Indians employed there.⁷ The recent attack on the Indian embassy in Kabul is another proof of the determination of the Taliban and other anti-Karzai government groups to curb growing Indian involvement in Afghanistan. In spite of increasing the numbers, the ITBP's task is to provide security mainly for the government officials, including those working with the BRO and posted in the Indian embassy. The task of ensuring security of those Indians who are employed with various private companies depends upon the private security agencies hired by their employers.⁸ Given Pakistan's resistance, the US has also turned down India's offers to send more regular troops to Afghanistan.⁹ Given such developments it is unlikely that the Indian official forces would be employed in larger numbers in Afghanistan, in the near future. In this context, use of indigenous PSCs could be a policy option for the Indian establishment. Many Indian private contractors, in fact, are already operating in Afghanistan. There also currently exists an Indian PSC (Sabah Afghan Security), operating in Afghanistan. India could

7 Dharmendra Ashwal, 'Suicide Bomber Kills 2 ITBP Personnel in Afghanistan', *All Headline News*, (<http://www.allheadlinenews.com/articles/7009615608>) (accessed: May 12, 2008)

8 *The Times of India*, New Delhi, June 25, 2007

9 Raja Karthikeya Gundu and Teresita C. Schaffer, 'India and Pakistan in Afghanistan: Hostile Sports', *South Asia Monitor*, No.117, South Asia Program, Center for Strategic and International Studies, Washington, April 3, 2008, p.2

also encourage setting up of more such indigenous security companies. This is particularly so as the Afghans, even amidst mounting distrust and hatred for the operating PSCs, seem to be more favourably inclined towards non-Western PSCs and especially towards the Asian contractors, for instance, the Gurkhas. During the course of interviews conducted by the Swiss Peace Foundation recently, among the focus group discussants, Gurkha private security contractors were mentioned for having the most courteous and professional behaviour.¹⁰ Employing of larger numbers of Indian private security personnel is thus, a plausible option before the Indian policy makers.

Privatised Internal Security in India

The trend towards increased internal security provision by non-state actors, as noted above, is prevalent in all regions of the world. A confluence of supply and demand factors ranging from the ready availability of personnel in states downsizing their security forces, to the chronic insecurity and poor quality of policing in many countries, appears to be driving this trend.¹¹ There has been no exception in case of India. Inadequacy and failure of the government forces to deal with myriad challenges has led to the government exercising various non-state oriented options in dealing with internal security. In certain areas, particularly remote areas, Village Defence Committees (VDCs), numbering around 3,700 have been put in place to encourage and equip village communities for self-defence against the menace of terrorism and supplement the ongoing efforts of the security forces. In addition, a large number of Special Police Officers (SPOs), numbering around

10 Ulrike Joras and Adrian Schuster (eds.), 'Private Security Companies and Local Populations: An Exploratory Study of Afghanistan and Angola', Working Paper No.1/2008, Swiss Peace Foundation, April 2008, p.22

11 Anna Richards and Henry Smith, 'Addressing the Role of Private Security Companies Within Security Sector Reform Programmes', Saferworld, UK, 2007, p. 5

30,000, have also been appointed on a monthly honorarium basis, and are assisting the local police in various operational tasks.¹²

Growth of Vigilantism

The Indian state's counter-insurgency strategy, in this connection, has also involved the process of organising various vigilante groups and pro-government militias often consisting of surrendered or renegade members of insurgent groups. Use of such pro-government non-state groups has been a complementary effort to the more traditional application of force through the army and paramilitary groups and the police. To give some regional examples: in Assam, where the Indian state has been facing a long-term threat from the United Liberation Front of Assam (ULFA), the Surrendered ULFA (SULFA) a pro-India outfit, has been created from the surrendered militants and been operating since 1992. These former members were allowed to retain their weapons to defend themselves against possible ULFA retaliation and were also offered special government schemes. Reports, however, indicate that many members of the SULFA have also become involved in criminal and other illegal activities including extortion. The SULFA has also been used by the state to target family members and sympathisers of the ULFA in order to pressurise them to come to terms with the government. According to analysts Ajay Sahni and Bibhu Prasad Routray:

The foundations of SULFA's growth lie...: first, in the enormous quantum of financial resources that it has come to control, and that it recycles through the political leadership and the bureaucracy in the State; and second, possibly more significantly, in the degree to which violence now pervades the politics of the State. The result is that all

12 Ministry of Home Affairs, Government of India, Annual Report 2007-2008, p.7

political parties seek alliances of convenience with the SULFA—as they do, from time to time, with the ULFA.¹³

In another major internal conflict zone of Jammu and Kashmir, several counter-militant groups have been operating since the 1990s, the most important one being the *Ikhwani-i Muslimi*. According to a Human Rights Watch Group, although the Indian government routinely denies any responsibility for the actions of these groups, these were organised and armed by the Indian army and other security forces, and operate under their command and protection, primarily targeting the pro-azadi or pro-Pakistan militant groups and their political sponsors and sympathisers.¹⁴ Several cases of human rights violations and illegal activities have been reported against several members of the *Ikhwani*. Since 2004, however, the *Ikhwani*s have been made part of the Home and Hearth Territorial Army.

Another prominent vigilante group to emerge in recent years has been the *Salwa Judum*, encouraged and initiated by the Chattisgarh government as a popular movement against Naxalite dominated terrorism in June 2005. Recent reports, however, indicate that far from being a spontaneous movement of tribals against Maoists that it is claimed to be, the *Salwa Judum* is, in fact, an organised state managed enterprise that has precedents in the previously formed *Jan Jagaran Abhiyans*.¹⁵ The case of Chattisgarh is unique in being an example of

13 Ajai Sahni & Bibhu Prasad Routray, 'SULFA: Terror By Another Name', in *Faultlines*, Vol.9 (<http://www.satp.org/satporgtp/publication/faultlines/volume9/Article1.htm>) (accessed: January 28, 2008)

14 Human Rights Watch Report, 'Behind the Kashmir Conflict: Abuses by the Indian Security Forces and Militant Groups Continue', (Source: <http://www.hrw.org/reports/1999/kashmir/militias.htm>) (accessed: May 17, 2007)

15 Fact-finding report on the Salwa Judum, Dantewara District' All-India team (PUCL Chhattisgarh and PUCL Jharkhand, PUDR, Delhi; APDR, West Bengal and IAPL), Nov-Dec 2005, Press Release at Raipur, 2nd December 2005. (Source: <http://www.pucl.org/Topics/Human-rights/2005/salwa-judum-report.htm>) (accessed May 17, 2007)

a direct state attempt to raise a vigilant force in order to counter the rise of the Maoists, which has involved an attempt to pit locals against locals, and to absolve the authorities of the responsibilities of law and order.¹⁶ As a recent Indian newspaper editorial has critically commented:

To start with, the government needs to make itself visible in the region. It has to convince itself that police stations can't be the only symbol of the Indian state. For that, it should begin by revamping the police force. A modern force equipped with trained personnel, first-rate equipment and skills for intelligence gathering should be in place. At the same time, democratic structures of governance must be made an effective alternative to violence. State-sponsored vigilantism, as in the case of Salwa Judum in Chhattisgarh, promotes a cult of the gun and gives legitimacy to extra-constitutional methods of disbursing justice.¹⁷

Moreover, recent media reports indicate a rising number of human rights violations on the part of the *Salwa Judum*. In fact, the rivalry between the *Salwa Judum* and the Naxalite groups have turned into a veritable civil war which has led to the collapse of the civilian administration in several parts of the state jeopardising the security of citizens rather than enhancing it.

Prospects for use of PSCs to ensure Internal Security

Given the problems which the use of such vigilante groups or militias seems to generate for the Indian policy makers it might be a better strategic alternative to use more corporate PSCs in its process of privatising security, instead of such vigilante groups in

16 Shubhranshu Choudhury, 'The State's Purification Hunt', in *Himal*, Vol.20, No.12, December 2007, p.42

17 'The Red Scare', Editorial, *The Times of India*, February 8, 2008

dealing with internal security threats. This is particularly so as the number of such private agencies seems to be increasing rapidly. It is estimated that in India there are, at present, around 10,000 PSCs with 80 per cent in the unorganised sector and the remainder in the hands of a few big organised ones.¹⁸ The PSI in India is currently a Rs. 21,000-crore business, employing nearly 50 lakh people, numbering more than the Police, Army, Navy, and Air Force personnel, put together.¹⁹ Very soon, it has been estimated, the rising PSI in India is also likely to gobble a huge chunk of work which is currently done by the police like passport verifications, summons, and pre-employment verifications of government and Private Sector Unit (PSU) employees that engage nearly 30 per cent of the police force at present.²⁰

The use of the PSCs, in fact, can be integrated within the Security Sector Reform (SSR) model which is being advocated all over the world as a necessary model for combining security and good governance. SSR has emerged in recent years as a way of tackling the security and development questions together. It combines a wide range of activities that reform the security institutions of the state in order to make them capable of delivering security to citizens in a way that is consistent with democratic norms. It is an increasingly common element of development policy.²¹ SSR, it has been argued, is fundamentally concerned with two things: the development of institutions capable of providing security to a state's citizens in a manner consistent with human rights and the rule of law, and an effective system of

18 Source: 'Intelligent Option in Terror Situation?', *Deccan Herald*, July 14, 2007 (<http://www.deccanherald.com/Content/Jul142007/metrosat2007071312681.asp>) (accessed: May 12, 2008)

19 Ibid

20 Parshant Krar, 'Private Security Scoring Over Police Jobs', *The Financial Express*, November 26, 2007

21 Francesco Mancini, 'In Good Company? The Role of Business in Security Sector Reform', Demos & International Peace Academy, UK, 2005, p.13

democratic regulation and oversight of security actors.²² With the rising prominence of the PSCs, it has been argued, there is a requirement for such companies to be better regulated and integrated within the scheme of SSR.²³

In this connection, with the growing relevance and importance of the private agencies in the security domain, the Indian government has also undertaken some steps in order to regulate and impose certain norms on the PSI. In order to regulate the increasing activities of private security agencies, for instance, both indigenous and foreign, 'The Private Security Agencies (Regulation) Act, 2005' has been notified in the Gazette of India on June 23, 2005. Under this Act, a controlling authority is to be appointed by the state governments for granting licences to agencies for carrying on the business of security agencies and other related matters.²⁴ The government has also framed the 'Private Security Agencies Central Model Rules, 2006' which have been sent to all the state governments for their guidance, enabling them to frame their own rules, in conformity with the Central Model Rules. The state governments have also been advised to take measures by which the huge pool of private security personnel could be effectively harnessed in the context of the overall security environment.²⁵ Another Bill, related to private security agencies, The Private Detective Agencies (Regulation) Bill, 2007, was introduced by the government in the *Rajya Sabha* in August 2007. The objective of this Bill is to regulate the working of Private Detective Agencies through a system of mandatory licensing so as to ensure that they work within the ambit of the legal framework, and are accountable to a regulatory authority. The Bill, at present, is being examined by the Department related to the Parliamentary Standing

22 Anna Richards and Henry Smith, Addressing the Role of Private Security Companies Within Security Sector Reform Programmes, n.11, p. 3

23 Ibid, p. 10

24 Ministry of Home Affairs, , Annual Report 2007-2008, p. 51

25 Ibid, pp. 51-52

Committee on Home Affairs.²⁶ According to Kunwar Vikram Singh, president of the Central Association of Private Security Industry (CAPSI) and Association of Private Detectives of India (APDI):

The Private Detectives Agencies (Regulation) Bill, 2007... would liberate police force of various jobs that don't have direct relation with manning law and order.²⁷

26 Ibid, pp. 51-52

27 Quoted in, Parshant Krar, 'Private Security Scoring Over Police Jobs', n.20

Emergence of new patterns of conflict along with the process of globalisation has led to the re-configuration of our understanding of security and the emergence of a 'new security paradigm' in recent years. Within this new paradigm, security is not just the preserve of the state, but a whole multiplicity of actors.¹ In this connection, one could perhaps consider the applicability of the concept of 'securitisation'. According to the Copenhagen School, military, political, economic, social, and environmental sectors are the various fields in which securitisation could take place. If a subject is successfully securitised it is possible to legitimise extraordinary means to solve a perceived problem. Overt securitisation of the problems could, however, lead to the neglect of the issues related to governance as establishment (or re-establishment) of the state monopoly of force becomes the primary concern in conflict situations, often through adoption of extraordinary measures leading to the fracturing and proliferation of conflicts rather than ending it. Privatisation of security under state initiative, in this connection, may be looked upon as one such measure. The process of privatising security, however, even when attempted by the state to strengthen itself against dissent, often ends up in weakening the state itself. While different categories of private security providers attempt to reconstruct the state in order to ensure stability and security sufficient for its normal functioning and even survival, they also remove the state's monopoly over organised violence.²

1 Damian Lilly, 'The Privatisation of Security and Peacebuilding: A Framework for Action', *International Alert*, September 2000, p.6

2 William Reno, 'Privatising War in Sierra Leone', *Current History*, May 1997 cited in, Damian Lilly, n.1, p.23

The trend towards privatised security has also sought to be explained as an outcome of adoption of neo-liberal measures by the states even in the security sector generally expressed through the centrality of privatisation and ‘responsibilization’.³ Such a trend, however, runs the risk of viewing security through a very narrow prism which contradicts the expanding scope of the domain of security. It has been argued, for instance, that the professional status of private contractors and their increasing authority places narrow and technical discussions on conflicts at the centre of all debates on violence and conflict. This often lead to the downgrading in importance of alternative views, from other ends of the spectrum, offering alternative understandings of conflicts and suggestions of privileging other means of conflict resolution than exclusive reliance on violent solutions.⁴ Moreover, as the PMSCs are primarily profit seeking enterprises, it is but natural for them to advocate policies and courses of action likely to prolong their deployment and use in conflict zones rather than seeking an early and peaceful end to conflicts. The profit motive behind all corporate adventures means that, at one level, PMSCs have an inherent interest in ongoing conflict and the social tensions that lie behind it.⁵ Similarly, in cases of PSCs providing internal security, their deployment is often justified by claiming that this shift towards the private provision of security will free up public forces from performing non-critical work and enable them to protect society better. In practice, however, this does not happen. Commercial viability and affluence factors ensure that the privileged sections of society tend to get better protection, while

3 Anna Leander and Rens van Munster, ‘Private Security Contractors in Darfur: Reflecting and Reinforcing Neo-Liberal Governmentality’, Working Paper No.82, Copenhagen Business School, 2006, p.16

4 Ibid, p.14

5 Fabien Mathieu and Nick Dearden, ‘Corporate Mercenaries: The Threat of Private Military and Security Companies’, War on Want, UK, November 2006, p.16

the nature of state controlled security delivery mechanism continues its downward spiral.⁶

Such caveats notwithstanding, the process of privatisation of security has become well suited to the evolving strategic environment emerging since the end of the Cold War. While still in a process of formation and subject to an uncertain outcome, it would seem certain to expand its role in the coming years. Privatised protection is evolving, in this connection, as an answer to new security needs that formal states are no longer able to encompass in a proper manner. Whether it represents a lasting solution, however, is a question that is still being intensely debated.⁷ According to analysts Fred Schrier and Marina Caparini, for instance, while the trend towards privatisation of security is a part of the overall broad drive towards privatisation and opening up of exclusive state monopoly in order to bring in greater efficiency and expertise, this in turn is leading to a gradual erosion in citizens' identification of the state as a focus for loyalty and political identity.⁸ The trend towards privatised security has also been criticised for its potential to foster greater injustice and inequality. Growing inequities in the provision of security within a state, in association with the effects of globalisation, may result in a deepening of social divisions within society. Moreover, the danger is growing that privatisation of domestic security may also involve the allocation of public economic resources to private security that benefits only the privileged.⁹

6 Peter Singer, 'Humanitarian Principles, Private Military Agents: Some Implications of the Privatised Military Industry for the Humanitarian Community', in Victoria Wheeler and Adele Harmer (eds.), 'Resetting the Rules of Engagement: Trends and Issues in Military-Humanitarian Relations', Humanitarian Policy Group Report 22, Overseas Development Institute, London, March 2006, p.77

7 Mark Duffield, 'Global Governance and the New Wars: The Merging of Development and Security', Zed Books, London, 2005, p.184

8 Fred Schreier and Marina Caparini, 'Privatising Security: Law, Practice and Governance of Private Military and Security Companies', Occasional Paper No. 6, Geneva Centre for Democratic Control of Armed Forces (DCAF), Geneva, March 2005, pp. 86-87

9 Ibid, pp.86-87

More importantly, one must consider, whether security privatisation poses a danger of further eroding state authority at a time when the state structure is already facing severe assaults from within and without. In this connection, operation of private security providers or even state sponsored vigilante groups against non-state oriented armed groups/ conflict generators in the regional context could act as proverbial double-edged swords in generating more security threats rather than solving them. This would have serious implications for the developing and underdeveloped nation-states of the South with weak state structures. One the other hand, given the global trends and the rising strategic relevance of the PSI, its use cannot be completely avoided.

For the Indian strategic community, issues related to privatised security, thus, are neither theoretical, abstract considerations nor are these occurrences taking place on distant shores. Security privatisation, through various forms, has emerged as a practical, strategic issue which has to be considered in terms of policy relevance and deployment opportunities. Given the rising importance of internal security threats and the rising incidence of failure of state security agencies, the possibility of deploying domestic PSI, in particular, must be given proper attention by the policy makers. In this connection, recent legislative attempts to provide a more formal structure to the indigenous PSI involved in providing internal security seems to indicate the readiness on the part of the Indian establishment to enter into some sort of an arrangement with the burgeoning PSI in the country, and involve them into a more integrated security mechanism. While acknowledging various problems associated with their use, one must, nonetheless, admit that the use of the private security agencies has become a vital component of any security mechanism in present times given the inadequacy (and even incapacity) of the state controlled forces to ensure security for its citizens. Such use would, however, require great caution, innovativeness, and adaptability on the part of the Indian security establishment. Whether that would be feasible and the Indian security establishment would be able to rise to the challenge of integrating the PSI within its own structure properly, is something only time would tell.

Shantanu Chakrabarti is currently a Reader in the Department of History, University of Calcutta. He is a former Research Fellow in the Institute for Defence Studies and Analyses (IDSA), New Delhi. His recent publications include a monograph on *Cooperation in South Asia: the Indian Perspective* (Kolkata: KP Bagchi, 2008) and jointly edited volumes *Challenges of Nation-Building in Developing Societies: Vignettes from West and South Asia* (Kolkata: KP Bagchi, 2009); *The Politics of Sport in South Asia* UK & USA: Routledge, 2010) along with numerous book chapters and research articles.

ISBN 81-86019-62-6



9 788186 019627