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**Private Security Companies and  
Local Populations: An Exploratory  
Study of Afghanistan and Angola**

**Ulrike Joras and Adrian Schuster (eds.)**

# swisspeace

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Ulrike Joras and Adrian Schuster (eds.)

April 2008

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This working paper is a revised version of a report with the same title that was published at swisspeace in November 2007

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## Abstract/Zusammenfassung/Résumé

This paper looks at how local populations perceive Private Security Companies (PSCs) and what the impact of their activities may be on peoples' every day lives, examining the two country cases, Afghanistan and Angola. The role and effects of PSCs have been discussed from various angles in the past but little attention has been paid to the perspectives of the local population. The goal of this exploratory study is to provide some tentative insights into the perceived positive and negative, direct and indirect impact of PSCs on the local population. One of the central findings from the two cases is the overall negative view of those interviewed towards PSCs. The study suggests that PSCs contribute to a sense of distrust and insecurity. Among the main reasons for this are an overall lack of transparency regarding PSCs, with respect to hiring practices, mandates, identification, accountability, and supervision; the heavy armament of PSCs; and lacking regulation (respectively lacking implementation) of security companies. The paper offers some recommendations, how the concerns of the local population could be better addressed.

Das vorliegende Working Paper untersucht anhand der beiden Länderbeispiele Afghanistan und Angola wie lokale Bevölkerungen private Sicherheitsfirmen (PSCs) wahrnehmen und welchen Einfluss ihre Aktivitäten auf das Alltagsleben der Bevölkerung haben. Die Rolle und die Auswirkungen von PSCs wurden in den letzten Jahren aus verschiedenen Blickwinkeln analysiert, aber bislang wurde der Perspektive der lokalen Bevölkerung nur wenig Beachtung geschenkt. Das Ziel dieser explorativen Studie ist es, einige erste Einblicke in die wahrgenommen positiven und negativen, direkten und indirekten Wirkungen von PSCs auf die lokale Bevölkerung zu erfassen. Eines der Hauptergebnisse der beiden Fallstudien ist, dass PSCs in überwiegend negativem Licht betrachtet werden. Die Resultate legen nahe, dass PSCs zu einem Gefühl der Unsicherheit und des Misstrauens beitragen. Die zentralen Gründe dafür sind unter anderem die schwere Bewaffnung der PSCs, fehlende Kennzeichnungen sowie die generell mangelhafte Transparenz der PSCs bezüglich ihrer Mandate und bei der Rekrutierung. Weiter werden die fehlende Rechenschaftspflicht und Aufsicht sowie die ungenügende Regulierung (beziehungsweise deren mangelhafte Umsetzung) von privaten Sicherheitskräften kritisiert. Die Arbeit entwickelt abschliessend einige Empfehlungen, wie die Bedenken der Bevölkerung besser berücksichtigt werden können.

Cet article examine la perception des populations locales sur les entreprises de sécurité privées (PSCs). Il mesure également l'influence de leurs activités sur la vie quotidienne à travers deux études de cas en Afghanistan et en Angola. Le rôle et les effets des PSCs ont déjà fait l'objet de nombreuses études, toutefois peu d'attention a été accordée aux perceptions des populations locales. L'objectif de cette analyse exploratoire est de rendre compte (provisoirement) des perceptions positives ou négatives de la population locale sur l'impact direct ou indirect des PSCs. Une des principales constatations de cette étude est que les populations locales expriment un avis généralement négatif sur les PSCs. L'étude suggère que les PSCs contribuent à un climat de méfiance et d'insécurité. La mauvaise image des services de sécurité est le résultat de plusieurs facteurs. Parmi ceux-ci, un manque de transparence dans les procédures d'embauche, de mandat, d'identification, de responsabilité et de supervision, l'armement lourd des PSCs et le non-respect des lois existantes. Finalement, le document propose des recommandations pour une meilleure prise en compte des intérêts et préoccupations de la population locale.

## Acronyms

AIHRC	Afghan Independent Human Rights Commission
AISA	Afghan Investment Support Agency
ANA	Afghan National Army
ANP	Afghan National Police
Ascorp	Angola Selling Corporation
CabGoC	Cabinda Gulf Oil Company
CIU	Criminal Investigation Unit (at the Afghan Ministry of Interior)
CF	Coalition Forces
DDR	Disarmament, Demobilisation, and Reintegration
DIAG	Disbandment of Illegal Armed Groups
DSL	Defense Security Limited
EO	Executive Outcomes
FAA	Forças Armadas de Angola (Angolan Armed Forces)
GPPO	German Police Program Office, Afghanistan
IDAS	International Defense and Security Resources
IPOA	International Peace Operations Association
IRIN	Integrated Regional Information Network (UN)
ISAF	International Security Assistance Force (Afghanistan)
Mol	Ministry of Interior
MPLA	Movimento Popular de Libertação de Angola (Popular Movement for the Liberation of Angola)
NDS	National Directorate of Security (Afghanistan)
NSC	National Security Council (Afghanistan)
ODC	Organização de Defesa Civil (Organization of Civil Defence)
OHCHR	UN Office of the High Commissioner for Human Rights
PRS	Party of Social Renewal (Angola)
PRTs	Provincial Reconstruction Teams
PSC	Private Security Company
PSCAA	Private Security Companies Association of Afghanistan
PSCAI	Private Security Companies Association of Iraq
RPG	Rocket propelled grenade
UNAMA	United Nations Assistance Mission to Afghanistan
UNITA	União Nacional para a Libertação Total de Angola (National Union for the Total Independence of Angola)
USPI	US Protection and Investigation
VPSHR	Voluntary Principles on Security and Human Rights
V.S.S.B.	Vigilância e Sistemas de Segurança Bancária SARL
WSI	World Security Initiatives

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<sup>1</sup> For the Swiss initiative see <http://www.eda.admin.ch/eda/en/home/topics/intla/humlaw/pse/psechi.html>.

# Main introduction

Over the last two decades, the rapid growth of private security companies (PSCs) has been discussed and analysed from various angles. Scholars, the media, as well as governmental and non-governmental organizations embarked on a discourse about the advantages and disadvantages of the private security industry. Studies on PSCs tackled issues such as PSCs' legal status, questions of accountability, or options for regulations.<sup>2</sup> Yet, so far little attention has been paid to how PSCs affect local populations in the countries in which they operate. PSCs are hired by a diverse clientele such as governments, private companies, humanitarian organizations or individuals. In addition to providing security to their clientele, the activities and presence of PSCs may have unintended consequences not only for those that employ them but also for local populations. A better understanding of how private security firms influence the lives of third parties and how local populations view PSCs seems relevant for an informed discussion on the regulation of the commercial security industry. This exploratory study aims to contribute some new insights and perspectives into this field by discussing these aspects for two country cases, Afghanistan and Angola.

A particularly grave illustration for the effects that PSCs may have on local populations is the Blackwater-incident in Iraq from September 2007, where personnel of the security company accidentally killed civilians.<sup>3</sup> Yet, apart from headline-making stories and occasional references in studies and reports,<sup>4</sup> systematic and focused work taking into account the negative as well as positive experiences of local populations with PSCs is scant. Vandenburg, for instance, focuses on the case of the 1990s in Bosnia where members of peacekeeping forces and a PSC were involved in rape, prostitution and women trafficking.<sup>5</sup> Other researchers such as Cockayne or Renouf point out that blurring distinctions between humanitarian actors and PSCs raises problems for local populations and affects their relation to these actors.<sup>6</sup> And again others, such as Olsson argue that the current "securitization" of political issues in operation areas of PSCs could lead to a

<sup>2</sup> See e.g., Rita Abrahamsen and Michael C. Williams, "Security sector reform: Bringing the private in," *Conflict Security & Development*, 6:1 (2006). James Cockayne, "Commercial Security in Humanitarian and Post-Conflict Settings. An exploratory study," New York: International Peace Academy, (2006). Mark Duffield, *Global Governance and the New Wars. The Merging of Development and Security* (London: Zed Books, 2001). International Review of the Red Cross, "Private military companies," No. 863 (2006). Caroline Holmqvist, "Private Security Companies. The case for regulation," SIPRI Policy Paper, 9 (2005). David Isenberg, *Soldiers of Fortune Ltd.: A Profile of Today's Private Sector Corporate Mercenary Firms* (Washington DC: Center for Defense Information, 1997). Anna Leander, "The Market for Force and Public Security: The Destabilizing Consequences of Private Military Companies," *Journal of Peace Research*, 42:5 (2005), pp. 605-622. Anna Leander, "Eroding State Authority? Private Military Companies and the Legitimate Use of Force," CeMiSS, Centro Militare di Studi Strategici (2006). Peter Lock, "Military Downsizing and Growth in the Security Industry in Sub-Saharan Africa," *Strategic Analysis*, 22 (1998). Anna Richards and Henry Smith, "Addressing the role of private security companies within security sector reform programmes," *Journal of Security Sector Management*, 5:1 (2007).

<sup>3</sup> For example Steven Fainaru, "Where Military Rules Don't Apply. Blackwater's Security Force in Iraq Given Wide Latitude by State Department," *Washington Post*, 20 September 2007, p. A01.

<sup>4</sup> For example Rita Abrahamsen and Michael C. Williams, "Introduction: The Privatisation and Globalisation of Security in Africa," *International Relations*, 21:2 (2007), p. 131. Voluntary Principles on Security and Human Rights (2000) (<http://www.voluntaryprinciples.org/>).

<sup>5</sup> Martina Vandenberg, "Peacekeeping, Alphabet Soup, and Violence against Women in the Balkans," in Dyan Mazurana, Angela Raven-Roberts, and Jane Parpart (eds.), *Gender, Conflict, and Peacekeeping* (Oxford: Rowman and Littlefield, 2005), pp. 150-167.

<sup>6</sup> Jean S. Renouf, "Do Private Security Companies Have a Role in Ensuring the Security of Local Populations and Aid Workers?" Paper presented at the fifth edition of the Autumn's Humanitarian University (September 2007). Cockayne 2006.

“depoliticization” of local populations and some of their possibly justified concerns.<sup>7</sup> But much of the work merely uses anecdotal evidence, refers only indirectly to local populations, or remains mostly on a theoretical level. This gap in the research might mainly be due to the lacking awareness regarding the influences of PSCs on local populations, but may also result from the difficulties in accessing information on sensitive security issues and in conducting fieldwork in highly volatile contexts where the majority of PSCs work.

## Terminology

Given the complexity and relative newness of the phenomena studied the central terms of this report - “private security companies” and “local population” should first be described. However, the notion “private security industry” is difficult to define. Due to the myriads of different and sometimes mixed tasks performed by PSCs, there is lacking consensus on the terminology and there is no clear demarcation between the term private security company and associated terms such as private military company.<sup>8</sup>

A useful and widely accepted approach is to differentiate the companies by their activities rendered. In a comprehensive analysis of the industry, Singer, for instance, draws a distinction between companies on the basis of the service they provide and their position in the “battle-space”, differentiating between military providers, military consultants and military support firms.<sup>9</sup> Singer’s classification has brought some clarity into the discussion. However, he has been criticized for not having considered the nature of changing contracts and clients, making it difficult to classify companies themselves.<sup>10</sup> Singer further focuses on the military realm, largely ignoring non-military security, which is of key interest for this report.

Still, Singer’s approach to describe firms on the basis of their services is a useful tool to follow, also in order to differentiate between military and security services. The companies observed in this study largely perform activities which mainly fall into the area of private security such as armed or unarmed security services for personnel, places and property, as well as risk management services, security trainings, de-mining, electronic security and surveillance.<sup>11</sup> Indeed, the majority of interactions referred to by the local population - which is the primary focus of this study - can be

<sup>7</sup> Christian Olsson, “The politics of the apolitical: private military companies, humanitarians and the quest for (anti-) politics in post-intervention environments,” *Journal of International Relations and Development*, 10 (2007).

<sup>8</sup> See e.g., Simon Chesterman and Chia Lehnardt, “From Mercenaries to Market: The Rise and Regulation of Private Military Companies (Introduction),” *New York University School of Law, Paper 55* (2007), pp. 1-3. Fred Schreier and Marina Caparini, “Privatising Security: Law, Practice and Governance of Private Military and Security Companies,” *DCAF Occasional Paper*, 6 (2005), p. 15.

<sup>9</sup> His classification is based on the military “tip of spear” typology which refers to the battle space, where the tip represents the front line. See Peter W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca, NY: Cornell University Press, 2003), pp. 92-93. See also: Swiss Federal Department of Foreign Affairs/Directorate of International Law, “Workshop of Governmental Experts and Industry Representatives on Private Military / Security Companies,” (Zurich, 16-17 January 2006), Summary of the Chair. 1 September 2006, p. 3. ([http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/humlaw.Par.0013.File.tmp/PMSC%20Workshop%20Jan\\_06%20-%20ChairSummary.pdf](http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/humlaw.Par.0013.File.tmp/PMSC%20Workshop%20Jan_06%20-%20ChairSummary.pdf)).

<sup>10</sup> Singer 2003. Deborah Avant, *The Market of Force. The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005), pp. 16-22.

<sup>11</sup> Which include all three types of private security activities, as they have been tried to specify for PSCs by Schreier/Caparini in an analogy of Singer’s “tip of spear” typology (Schreier/Caparini 2005, p. 38, pp. 31-41).

attributed to private security firms. It is for this reason that we will use the term “private security companies” (PSCs) in this report.

Yet, some important qualifications, symptomatic of the definitional complexity around the terminology for commercial security providers have to be made when using the term PSCs. In Afghanistan as well as Angola, some firms classified here as PSCs assume or assumed tasks that are typically classified as military services.

In Angola, for instance, companies were in the past involved in direct combat activities and in contemporary Afghanistan, firms are engaged in military training, advisory and intelligence services, as well as the guarding of military compounds. In fact, especially in highly volatile situations and fragile states with weak national institutions, a clear differentiation between military and security activities is difficult if not impossible.<sup>12</sup> It is far beyond the scope of this study to resolve the definitional controversies that persist since the outset of the debate on the private military and security industry. The definitional challenges may in fact have contributed to an increasing tendency in research not to put too much emphasis on defining private security firms but to rather use broader terms for the different companies and focus on substantive aspects.<sup>13</sup>

Perhaps less conflictive though crucial for the study at hand is the definition of the notion “local population”. Local population is described here as the civilian population living in the country where private security firms operate, excluding owners or employees of such companies as well as the host government and clients of PSCs. This “definition” is chosen since the study attempts to focus on understanding the effects of PSCs on those third parties who may not be directly linked to PSCs, but whose everyday life may be indirectly influenced by their deployment.

### **Methodology of the research**

The report at hand is an exploratory study based on two country examples, Afghanistan and Angola. Exploratory research is typically used when there is little or no previous research or theory on the subject under investigation. It can in fact be understood as a “prelude” for further more in-depth inquiry. As such this study seeks to provide some first steps into a new and little explored area of privatized security. The study offers some tentative findings and seeks to inspire further research into this field.

Qualitative information was collected for the two country cases, Afghanistan and Angola. The main reasons for choosing these two countries were the wide divulgence of PSCs; their history of armed conflict as well the different stages they are in with regard to the development of national legal regulatory frameworks.

Standard qualitative methodology was used, including semi-structured interviews, focus group discussions, personal observations, and a review of the existing literature. For both cases, written sources, including media reports were analyzed.<sup>14</sup> For the Angola case study, 14 semi-structured phone interviews with key informants were conducted between February and June 2007. The interview partners included representatives of eight local civil society organizations, (human rights (three), faith-based (three), and other organizations (two)), one UN-official, one western diplomat, two international NGOs, as well as researchers (two).

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<sup>12</sup> Leander 2006, p. 34.

<sup>13</sup> For example Avant 2005; Cockayne 2006; Chesterman/Lehnhardt 2007.

<sup>14</sup> Due to the sensitive nature of the topic, no references are made to the names of interview partners.

For Afghanistan, 36 semi-structured interviews in Kabul, Afghanistan and two e-mail interviews were undertaken as well as a series of seven focus group interviews with the civilian local population in several regions of the country. The semi-structured interviews were realized in Kabul during March and April 2007, with the e-mail interviews and follow-up via e-mail during May, June, July and October.<sup>15</sup> Interviews were conducted with representatives of the Afghan government, including Members of Parliament (seven), UN representatives (five), western diplomats (six), clients of private security companies (four), representatives of international civil society (media, researchers, aid workers) (four), representatives from Afghan civil society, including the Afghan Independent Human Rights Commission (five), representatives of private security companies (two), and security specialists (three). Information from interviews by Jean S. Renouf, a Ph.D. Student in International Relations from the London School of Economics and Political Science, conducted in September/October 2006 and in March/April 2007 provided further insight on the views of international humanitarian actors.<sup>16</sup> The seven focus group interviews were undertaken in Kabul (three) and in the South and Southeast of Afghanistan (four) in May and June of 2007 (see appendix I for a more details). The number of participants varied from four to 26. Focus group participants included a variety of societal sectors such as civil society organizations, traditional leaders, the private sector, media and intellectuals, with a specific focus to balance the views of women and youth.

For both countries, the research drew also from personal experiences of the authors, numerous informal discussions and previously conducted interviews on the topic during earlier field works. Susanne Schmeidl lived and worked in Afghanistan from February 2002 to December 2005, and is returning frequently since early 2007 and Lisa Rimli conducted five field trips to Angola between November 2003 and November 2006.<sup>17</sup>

Each case study is structured in several sub-sections. As the impact of PSCs can never be solely attributed to their behaviour alone, the study touches upon the political, legal and social environments in which the companies operate as well as their influence on other actors such as the host state, PSC clients and the international community (especially other security actors). Each study covers the following areas:

- introductory remarks on the conflict history and the current situation in the country;
- information about the PSC industry in the country;
- information on the legal framework (including self-regulatory attempts by the industry);
- and a discussion of the perceived impact of PSCs on the local population respectively the views from the local population / civil society representatives with respect to PSCs.

<sup>15</sup> The author had also travels to Afghanistan in July and October 2007 and incorporated new knowledge (especially on the law-making process) into the study as it became available.

<sup>16</sup> His Ph.D. thesis focuses on the interaction between humanitarian actors and private security firms. Afghanistan is one of the case studies.

<sup>17</sup> All individuals who were interviewed for the Afghanistan study received a draft of the Afghanistan section in order to verify information and were able to reply with comments. Only a few responded.

A joint concluding chapter discusses the two case studies and develops some more general conclusions and recommendations on the issue of PSCs and their impact on the local population.

### **Some considerations on the scope and limitations of the study**

In the following, some aspects of the study's design and results, largely linked to its exploratory nature, should be explained and discussed further in order to better understand the benefits and limitations of the report.

Firstly, the methodological differences of the two country cases limit a direct and systematic comparison. Initially the research was designed purely as a desk study, complemented by telephone interviews with local and international experts. In the case of Afghanistan, however, focus group and field interviews were made possible as the study could be combined with other in-country work. The same, however, was not possible for the Angola study, which followed the original research design as a desk study. Since PSCs have operated far longer in Angola than in Afghanistan, there is also more written material available on this topic for the Angolan case and local civil society organizations are more conscious of the issue. While PSCs in Afghanistan were first reported in late 2001, Angola is regarded as one of the countries where their involvement was already widely discussed in the 1990s. Nevertheless, the access to updated information on PSCs through desk research in the rapidly changing post-conflict context in Angola remains limited and highlights the necessity of field research.

Secondly, the report takes into account the perceptions of a wide range of actors including non-governmental organizations, media, intellectuals, and representatives of the governments as well as the views of the local population from a small non-representative sample of selected regions in Afghanistan (see appendix I). These sources can of course not reflect the views of the entire population of the two countries, given the restricted geographic scope of the research as well as the limited representativity of the interview partners. Nevertheless, those interviewed can be considered the most adequate sources to echo and reflect the views and experiences of the local population in the context of an exploratory study.

Thirdly, the report gives an account of how the local population and some civil society representatives *perceive* PSCs and the effects they have on their everyday life. Even though these "views" on the commercial security industry may not always correspond with "hard facts", they constitute the reality of those interviewed and are therefore of relevance for PSCs, their clients and regulators.

Finally, the sceptical or openly negative perceptions that dominate the views recorded in the study have to be interpreted in light of the general security environment in the two countries and with regard to the interview partners that were selected for the report. It needs to be understood that in both countries, Afghanistan and Angola, armed forces are overall looked upon with suspicion, given the long-term war experience of most people. Some of the negative perceptions regarding security forces in general may be simplistically transferred to PSCs and influence how they are perceived. For a topic such as public security it may overall be more difficult to detect positive experiences since negative examples are typically more widely reported, leaving a more profound impression on the population than positive ones. In addition, for the study, deliberately only few interviews were conducted with clients of PSCs and PSCs themselves. PSCs and their clients most likely would have more frequently highlighted the positive security effects of the commercial security industry than the interviewed local populations and civil society representatives did. It should be remembered that PSCs are mostly hired for specific security issues by a specific clientele and not for improving the overall security situation. Thus, the general population may have unrealistic expectations with regard to how these companies should improve their security situation.

# Case Study Afghanistan

Susanne Schmeidl

## 1 Introduction

Afghanistan has experienced over twenty years of war, with various struggles and actors involved. The most recent violent conflict dates back to the Saur Revolution in 1978, which brought a communist regime to power. Supported by the Soviet Army, the communist government was locked in a fierce battle with Afghan resistance fighters from various *mujahideen* parties until its defeat in 1992. This victory, however, did not bring peace as the conflicting *mujahideen* parties fought over who was to rule the country, until they in turn had to bow to the Taliban forces in 1996. Subsequently, the Taliban ruled Afghanistan while continuing to fight against the *mujahideen* parties that loosely united into the Northern Alliance controlling about 10% of the country. This changed when the US and its allies intervened after the 9/11 terrorist attacks. By the end of 2001, the Coalition Forces (CF) led by the US Army and Afghan militia forces - which were mainly composed of the Northern Alliance and a handful of individual commanders in the South - defeated the Taliban leadership. The Bonn peace agreement was then brokered, ushering in a new era of international engagement and reconstruction in Afghanistan.

The international efforts to bring peace and fight terrorism have been far from successful in Afghanistan. The initially relatively secure situation began to slowly deteriorate after the presidential elections in 2004 with conflict levels increasing drastically in late 2005. With a problematic disarmament process, slow progress in rebuilding the Afghan National Police (ANP) and Afghan National Army (ANA), and a growing insurgency, the country's security apparatus is strained if not insufficient to deal with the situation at hand. There is a lacking rule of law in many parts of the country, especially in rural and remote areas in the South, parts of the East and Southeast due to warfare between international forces, ANA and a growing insurgency. The movement of the international community is increasingly restricted due to the (also psychological) warfare of the insurgency, using kidnappings and suicide bombings. The May 2006 Kabul riots proved that violence and discontent can easily ignite uncontrolled mob action without adequate intervention and protection from security forces. Thus, the demand for security, especially among international actors and well-off Afghans, is on the rise in Afghanistan, increasing the activities of private security actors over the past years.

## 2 Profile of the private security sector in Afghanistan

Prior to the 2001 US-led invasion, no references were made to private security actors in Afghanistan. PSCs in fact entered the country nearly simultaneously with international military actors, starting with the American-led coalition forces. PSCs in Afghanistan today provide a broad range of services including guarding and protection services, assistance in poppy eradication and de-mining (see Appendix II, Table 1 for more details).<sup>18</sup> There are no known accounts of PSCs staff engaging in active combat duties. Some, however, may have to use force to defend their clients and themselves.

Three other non-state actors who also provide security in Afghanistan but are not part of this study are worth being mentioned in order to get a better picture of the security landscape. First, the US military is working with an estimated 2-3,000 former Afghan militia fighters as auxiliaries in their war against terrorism.<sup>19</sup> These individuals, engaged in combat duties, are not part of the ANA. Secondly, locally recruited former militiamen guard military compounds (including those of Provincial Reconstruction Teams - PRTs) and convoys by the Coalition Forces.<sup>20</sup> Thirdly, the narcotics industry turns to the Taliban for security, and also allegedly hires local militia leaders and former small warlords for protection.<sup>21</sup>

### 2.1 Overview of PSCs working in Afghanistan

The Afghan government has, to date, only been able to register a fraction of all PSCs that are assumed to work in the country. Therefore the information provided here was obtained via interviews and three "PSC-lists" from the Afghan Investment Support Agency (AISA), the Ministry of Interior (Mol), as well as the United Nations Assistance Mission to Afghanistan (UNAMA).<sup>22</sup> A comparison of the three sources is provided below while Appendix II, Table 2 lists names of known companies arranged by country of origin.

<sup>18</sup> Specifically, services include static guarding services (site protection), mobile convoy protection, close personal protection, consulting and advice on security sector reform, training and instructions (e.g., army and police), logistics support and maintenance, intelligence and risk management services, de-mining, poppy eradication, electronic security and surveillance, election support functions as well as potentially interrogation (see also Appendix II, Table 1 for more details.)

<sup>19</sup> Antonio Giustozzi, "The privatization of war and security in Afghanistan: future or dead end?" *The Economics of Peace and Security Journal*, 2:1 (2007), pp. 30-34. Interview with civilian country advisor to ISAF, Kabul, 22 March 2007 and UN official, Kabul, 20 March 2007.

<sup>20</sup> Interviews with UNDP, Kabul, 20 March 2007; UNAMA, Kabul, 29 March 2007; and information from Focus Group participants in Kandahar/Helmand and Khost, May 2007. For example the German PRT in Badakhshan is guarded by a local militia that belongs to a commander who used to be a government employee (interview with UN official, Kabul, 30 March 2007).

<sup>21</sup> Focus groups in Khost and Kandahar/Helmand, June 2007; interviews with UN Officials, March 2007.

<sup>22</sup> AISA issued investment licenses to 59 private security companies (both national and international) (date November 2006). Since the Afghan government has begun to consider the regulation of PSCs more seriously, AISA was ordered in late 2006 to stop issuing licenses in order to avoid confusion with efforts by the Mol. The Criminal Investigation Unit (CIU) of the Mol compiled its own PSC list in early 2007, comprising 59 companies. But the CIU was only able to temporarily register 35 of these PSCs. UNAMA's list from early 2007 compiled 55 companies.

The information from all three sources is fairly consistent (about 75% overlap). About 90 PSCs working in Afghanistan could be identified by name, even though several sources suggest a higher number, with the highest estimating 140 PSCs. It is likely that information is missing, particularly on smaller Afghan PSCs.<sup>23</sup>

Despite the lack of transparent ownership structures, PSCs can be placed into four different categories:

- exclusive Afghan ownership and management, holding a domestic investment license;
- Afghan co-ownership and management with foreign PSCs, with a domestic investment licence;<sup>24</sup>
- foreign ownership with Afghan partners involved in management, with an international investment license;<sup>25</sup>
- exclusive foreign ownership and management, holding an international investment license.<sup>26</sup>

Combining the first three categories, and assuming that companies with unknown origin are Afghan-owned puts the Afghan share in the PSC market at around 44% of all known firms. Among the foreign-owned companies, the biggest country of origin of PSCs is the United States (including six US-Afghan joint ventures). The United Kingdom follows, featuring one possible joint venture with an Afghan partner and three with other countries, as well as two joint ventures with the US. Other foreign-led PSCs in Afghanistan are among others from Australia, Canada, Germany, Nepal, Turkey, Netherlands, India and Pakistan.

According to an UN official, a commonly used model by PSCs operating in Afghanistan, especially in the large guarding sector, seems to be what he called a “colonial model” with foreigners in management positions, and the regular guards being either third-country nationals or local employees. Among the firms using this model, are the US firms US Protection and Investigation (USPI) and the UK firm, Saladin Security. Generally, international and some third-country national staff perform the guarding of embassies, close protection of expatriate staff, security assessments and training, and local employees only perform basic guard duties.

<sup>23</sup> Interview with Civilian Country Advisor to ISAF (Afghan Nationality), Kabul, 22 March 2007.

<sup>24</sup> There are allegations that companies in the private security (or construction) market may simply “hire a foreigner” for good reputation to obtain international (more legitimate) business licenses and contracts. Once the license or contract is obtained, the foreigners disappear. An ex-AISA official said that the PSC sector is in flux, with companies starting up, selling their licenses to others, merging with other companies and so on, all contributing to blurred ownership-structures. (Interview with ex-AISA official, PSC representatives, western diplomats and members of the Afghan Independent Human Rights Commission, Kabul, March 2007.)

<sup>25</sup> According to existing research, PSCs may develop partnerships with local companies and/or staff in order to be able to access information and local knowledge. How such partnerships function and whether there is a transfer of knowledge and local capacity building, are undocumented (see Schreier/Caparini 2005).

<sup>26</sup> An Afghan government official suggested that there is probably a higher number of foreign firms with “silent” Afghan partners, as otherwise they would not be able to function as efficiently in the Afghan context (interview, Kabul, 28 March 2007). USPI is a fitting example here and was raised frequently during focus group discussions and interviews. Many Kabul respondents suggested that General Deen Mohammad Jurat was the owner of USPI, a US PSC given that he had provided his militiamen to the company.

Examples of firms with a higher ratio of internationals (and third-country nationals to national staff) are AEGIS, ArmorGroup, Global, Kroll, DynCorp and Blackwater.<sup>27</sup> Due to the under-reporting, it is challenging to gauge exact figures on PSC staff in Afghanistan.<sup>28</sup> Using information from interviews, PSC websites, and two estimates from the MoI and UNAMA, the total number of PSC employees is assumed to be between 18,500 and 28,000 individuals (see Table 1).<sup>29</sup>

**Table 1. Estimated Number of PSC Employees in Afghanistan by Nationality Type**

Type of employee	Estimates
<b>Internationals</b> , referring generally to individuals from the home country of the organization or countries of similar origin (mostly western, including mainly individuals from the US, UK, Australia, New Zealand, South Africa; few other (Eastern) European countries)	4,000-6,000 e.g., Blackwater; DynCorp are currently the biggest due to running the police training (about 600 mentors) and providing a large number of advisors to the MoI (estimated to be close to 1,000); in the future more police advisors will even increase, with possibly a total of 3,500 foreigners working on the police reform alone) <sup>30</sup>
<b>Third-country nationals</b> e.g., Gurkhas from Nepal, India, or Fiji; Singapore; and Philippines; few from Africa (e.g. Nigeria)	About 1,500-2,000 (mainly guarding foreign embassies, such as US and UK embassy, but also UN compounds)
<b>Local employees / Afghan nationals</b>	Around 15-20,000: USPI documents about 3,600 guards; Saladin lists "in excess of 2,000," <sup>31</sup> with several international firms also having a larger number of local employees (many smaller Afghan firms also need to be included into the count). <sup>32</sup>

<sup>27</sup> Interview with UN Official, Kabul, 29 March 2007.

<sup>28</sup> For example, according to the MoI the local PSC (Khawar) (now closed) had registered 653 Afghan and one international employee with a total of 400 weapons, but de fact had a total of 1,013 employees with 998 weapons. The MoI suspects that the underreporting by Khawar is not an isolated case.

<sup>29</sup> Interviews with western diplomats, clients and representatives of private security firms, and UNAMA/UNDP employees, Kabul, March 2007. In September 2007, the 35 PSCs that are temporarily registered with the MoI reported a total of 10,431 personnel, and a May 2007 MoI Intelligence estimate puts PSC employees operating in Kabul alone between 5-9,000 individuals. (Information provided by UN official via email in late September 2007 and also mentioned in the "Draft Government Policy on Private Security Companies" (6 August 2007) drafted by the Joint Secretariat of the Disbandment of Illegal Armed Groups). The UNAMA list of 55 PSCs came up with 5,056 employees working for about half of these companies, which agreed to disclose their staff figures. (Interview with UN Official, March 2007 and subsequent e-mail exchange.)

<sup>30</sup> The numbers provided are somewhat contradictory. Some of the police reform advisor may also actually come directly from military and not PSCs.

<sup>31</sup> <http://www.saladin-security.com/html/afghan.shtml>, accessed 4 June 2007.

<sup>32</sup> According to an educated guess by a UNAMA official the Afghan population employed in the security sector alone may amount to 20-25,000 individuals. It is hard to say, however, how many of them work for organized PSCs and how many are directly employed by businessmen, journalists, dignitaries or VIPs etc. (interview, Kabul, 29 March 2007).

## 2.2 Recruitment, training, and identification of PSC staff

According to internet sources and information provided in interviews with PSCs and clients, most PSCs recruit their staff through a thorough vetting process.<sup>33</sup> However, the application of verification processes in a volatile environment such as Afghanistan, with inadequate criminal records is difficult. In addition, information given may be tainted depending on who is being asked about whom - a remnant of long-term conflict and continuing factional interests within Afghan ministries. Thus, *en gros*, Afghan staff tends to be recruited through friends or relatives of staff,<sup>34</sup> a practise that is also fairly common among NGOs and humanitarian agencies working in Afghanistan.

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.<sup>35</sup> Some estimate that about 80% of PSC staff in Afghanistan have a militia background.<sup>36</sup> (See also section 4.3.3. on the problems with hiring militias).

According to respondents, there are no requirements for PSC staff to have participated in the Disarmament, Demobilisation, and Reintegration process (DDR) (with the possible exception of Saladin Security, which states on their website that they are "a partner with UNDP in their efforts to reintegrate ex-combatants through the DDR program"<sup>37</sup>). Even though most PSCs provide some sort of training for their staff, the extent and quality seems to vary, with some companies allegedly only investing in basic training.<sup>38</sup> Similarly, it is unclear as to whether codes of conducts by PSCs address issues such as appropriate behaviour towards the local civilian population.<sup>39</sup> Not all companies have their code of conduct publicly available, making it only accessible to clients when competing for tenders.<sup>40</sup>

In addition, PSC staff does often not wear clearly identifiable uniforms or IDs badges, making it difficult to identify and monitor them. While some do wear visible company logos on hats, T-shirts or even uniforms, others wear civilian clothing and do not display company identification at all

<sup>33</sup> Various interviews, Kabul, March 2007.

<sup>34</sup> Information provided by PSC in Kabul, March/May 2007.

<sup>35</sup> Interviews with UN Officials and Western Diplomats in Kabul, March 2007; focus group participants in Kabul, March 2007. While the widest cited example is USPI, the same is alleged of other firms working in remote areas.

<sup>36</sup> Interview with UN official, 29 March 2007.

<sup>37</sup> <http://www.saladin-security.com/html/afghan.shtml>, last accessed on 5 June 2007. So far official Afghanistan UNDP staff contacted did not yet confirm this information. Most companies justify their action with the fact that the DDR process overall was difficult and flawed. Information provided by PSCs in May 2007.

<sup>38</sup> Interviews and focus group discussions, Kabul, March 2007.

<sup>39</sup> Interviews with western diplomats in Kabul, March 2007. It was noted during interviews that much improvement seems to be required in this area. For example USPI has been repeatedly criticized for inadequately supervising their staff in the field (Nawa, 2006 and interviews with UN officials, Kabul, March 2007).

<sup>40</sup> Interviews with western diplomats and PSC representatives in Kabul, March 2007.

(or show IDs upon request).<sup>41</sup> Marked cars are rare (USPI is an exception), and many cars do not even feature license plates.<sup>42</sup> According to PSCs and clients interviewed, civilian clothing is often preferred since clear identification is considered inappropriate when escorting VIP clients and dangerous for PSC staff, who are increasingly targeted by insurgents.<sup>43</sup>

## 2.3 PSCs and arms

Information obtained from interviews and focus group discussions suggests that a great proportion of PSC staff in Afghanistan is armed, including those performing simple guard duties.<sup>44</sup> Exceptions tend to come at the request of the client, such as the German embassy that employs unarmed Saladin guards, or the Asia Foundation that provided unarmed election-support staff for the UN from Kroll and Global.<sup>45</sup> Individuals working in an advisory or intelligence function may also be unarmed.

Many PSCs in Afghanistan hire armed staff due to the problem in obtaining arms legally in Afghanistan. Currently, only the Afghan government, foreign military and embassies are allowed to import a limited amount of weapons for the use of their international staff.<sup>46</sup> This places PSCs in a dilemma. On the one hand, the insecure environment and/or clients calls for armed guards, on the other, there is no official weapons market in Afghanistan. PSCs can respond to this in three different ways: The first and most expensive option would be to only use international staff (little practised in Afghanistan in the guarding sector). The second option would be to hire local armed individuals, turning a blind eye to the source of their weapons. The third option is to buy weapons on the black market. All three options seem to be practised in Afghanistan,<sup>47</sup> with the second putting a burden on newly hired staff members without a militia background who are only able to take up their work if they acquire a weapon.<sup>48</sup>

While some firms may use a practise of “minimum arms necessary” for the duty to be provided, others may simply use the arm that is available on the market, owned by the individual hired, or provided through militia commanders. The arms used by PSC employees vary widely, ranging from semi-automatic handguns, assault rifles (e.g., Kalashnikov), semi-automatic rifles (e.g., Berettas) to machine guns (e.g., Kalashnikov type machine guns-PKMs) and RPGs (rocket propelled grenades).<sup>49</sup> The most common weapon of local staff, most likely because militia fighters used it during the Afghan wars, is the AK47/Kalashnikov. International staff generally use more modern equipment,

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<sup>41</sup> Interview with western officials and PSC representatives, Kabul March 2007 and focus group interviews during March and June 2007.

<sup>42</sup> Interviews with western diplomats, UN officials, March 2007 and focus groups discussions, March and June 2007.

<sup>43</sup> Interviews and information provided via e-mail, Kabul, May and June 2007.

<sup>44</sup> Nearly all interviews indicated this; supported by personal observations while working in Afghanistan.

<sup>45</sup> Interview with German embassy official, Kabul, 22 March 2007. Interview with Asia Foundation representative, Kabul, 19 March 2007.

<sup>46</sup> Interviews with Afghan government officials and western diplomats, May 2007.

<sup>47</sup> Interviews with Afghan government officials and western diplomats, May 2007.

<sup>48</sup> Focus group discussion in Kabul in March 2007.

<sup>49</sup> Interviews with UN officials, western diplomats, Afghan government officials, and members of PSCs in Kabul in March 2007, also own observations. According to an UN official (interview on 3 November 2007), USPI are even using howitzer for protecting a road construction project in Kunar.

often of American or Chinese origin. They are also more likely to wear bullet-proof vests and travel in armoured cars.<sup>50</sup>

Overall, the number of weapons held by PSC staff is possibly even harder to gauge than staff figures. While a weapons law exists in Afghanistan, its implementation is difficult. In addition, corruption within the MoI creates the opportunity to obtain weapon permits in exchange for bribes.<sup>51</sup> A survey by the Kabul chief of police that included 35 security companies, came up with 4,968 different weapons owned by 1,431 PSC staff, a ratio of 3.5 weapons per individual.<sup>52</sup> Using this ballpark ratio, and the estimated number of PSC employees in Afghanistan, a rough extrapolation puts the estimated number of arms in PSC possession at about 43,750.<sup>53</sup>

## 2.4 Salary levels of PSC staff

Little is known about the payment of PSC employees. Neither clients of PSCs nor PSCs themselves seem to want to disclose these figures as it is considered “(commercially) sensitive” information.<sup>54</sup>

Despite this “secrecy” around PSC salaries, most estimates converge around similar sums, showing a clear pay hierarchy.<sup>55</sup> The regular salary of an average international PSC staff is estimated to be about USD 400-500 a day, with security specialists and team leaders possibly earning double. Information from both clients, as well as representatives from the industry suggests that recently there has been a drop in PSC staff salaries due to the competitive market.<sup>56</sup> Table 2 provides an overview of PSC staff salary by type of service provided as well as nationality. Most salaries of international and third-country national PSC staff, however, do not include expenses (e.g., accommodation), and some individuals may receive additional benefits for working in more dangerous parts of Afghanistan (e.g., the volatile South).

The pay of local staff is on average higher (sometimes more than double) than that paid to official security forces (about USD 70) and quite similar to what NGOs and humanitarian agencies tend to

<sup>50</sup> Interviews with various western diplomats (including clients), Afghan government officials, and PSC representatives in Kabul, March 2007, also own observations.

<sup>51</sup> Interviews with Afghan government officials, UN officials and western diplomats, Kabul, March 2007.

<sup>52</sup> Interview, Kabul, 27 March 2007. The figures by the CIU office within the MoI showed more staff but fewer weapons, a ratio of about one weapon for every two PSC staff, but CIU staff suggested that they suspect a problem of massive under-reporting of weapons (interview, Kabul, 29 March 2007). This was somewhat confirmed by a June raiding of a local PSC which turned up over 50% more weapons than registered with the MoI. (Information provided by UN official via email in late September 2007.)

<sup>53</sup> An estimate by the UN in their DIAG Strategy puts the number of free-floating weapons among illegal armed groups at a minimum of 56,000 and a possible maximum of 336,000. (UNAMA, “DIAG Strategy – Annex A Final,” (26 January 2006), pp. 1-2.) This is also due to the fact that many of the weapons turned in during the DDR process were unserviceable or Pakistani copies.

<sup>54</sup> Interviews with representatives of the industry and donor governments, Kabul, Afghanistan 2007.

<sup>55</sup> Interviews with western diplomats, UN officials, Kabul, March 2007; informal discussions with PSC employees (2004, 2005).

<sup>56</sup> Interviews with PSC clients, PSC representatives and western diplomats, March 2007. Figures provided by the International Peace Operations Association (IPOA) put international PSC staff salaries possibly below USD 350 a day.

pay their guards. Considering the current living costs in Kabul, however, a salary of about USD100-200 per month is often insufficient and barely feeds a family of five.<sup>57</sup> Local staff hired via a militia commander might get less than that, since it is alleged that the commander takes about one-third of salaries as a form of commission before passing it on to their fighters.<sup>58</sup>

**Table 2: Estimated pays of PSC staff in Afghanistan**

<b>Employee nationality and service category</b>	<b>Monthly</b>
Top international employee, often in advisory function or providing intelligence/risk assessments etc.	USD 15-20,000
Regular international staff on "guard" duties at embassies, close protection, trainings (especially if based in Kabul)	USD 7-10,000
Regular international employees from non-Western background (e.g., South Africa, Central Europe etc.)	USD 2-3,000
Third-country Nationals (e.g., Gurkhas)	USD 700-1,500
Local staff, team leaders, interpreters	USD 500-700
Local staff, regular guard duties	USD 100-200

<sup>57</sup> According to the ICRC food basket for Afghanistan.

<sup>58</sup> Interviews with western diplomats and UN officials, Kabul, March 2007.

### 3 The national regulatory environment

Currently there is still no national law that regulates the activities of PSCs in Afghanistan, despite some having operated in the country for the past six years.<sup>59</sup> There are various speculations as to why PSC legislation has not yet been passed, including a lack of interest of the international community, the interests of local power holders, the ignorance of Afghan government officials about the existence of PSCs and a lacking awareness about the need to regulate them.<sup>60</sup>

#### 3.1 The law-making process<sup>61</sup>

Initial government efforts with regard to PSC-regulation in Afghanistan are linked to General Zahir Aqbar, Director of the Uniformed Police at the MoI, who began to register PSCs possibly as early as 2003. Despite several official advances in the following years to develop a PSC law, not much progress was made until early 2007 when the robbing of several banks in Kabul prompted President Karzai to publicly voice concern about PSC activities. The robberies were alleged to be insider jobs of the security firms hired to protect money vehicles.<sup>62</sup> President Karzai issued a presidential decree (No. 4549) on 5 February 2007, tasking a commission to fast-track PSC regulation. A Council of Ministers resolution was passed in the following (No. 37), empowering the MoI to survey PSCs, register them and obtain necessary information.

The new *Monitoring and Evaluation Commission of Private Security Companies*, with representatives from MoI, Ministry of Defence, the President's Office, the National Security Council (NSC), and the National Directorate of Security (NDS), took up work in March 2007. The Afghan government is being advised in this process by international representatives such as from UNAMA, the EU, or the German Police Program Office (GPPO).<sup>63</sup> Since then, the Joint Secretariat of the Disbandment of Illegal Armed Groups (DIAG) within the Afghan government has also produced a *Draft Government Policy on Private Security Companies* (August 2007) providing suggestions on why such a regulatory framework is needed and how it should function. Thus, multiple actors are involved in the regulation process, which is embedded in an emerging, more public debate on PSCs.

Over the past months several draft regulations were circulated, discussed, and subsequently rejected by the *taghin* (legislative) department of the Ministry of Justice until the latest version (at the time of writing this report) finally received approval (with some modifications) in early November 2007.<sup>64</sup> The initial opposition of certain members within the Afghan government, especially the Ministry of Justice and the Supreme Court against the PSC regulation was based on the argument that such a law would be in conflict with the new Police Law (2005) and the new Afghan Constitution (2004).

<sup>59</sup> Although, Art. 213 of the "Afghan Criminal code" punishes the establishment of illegal armed groups with the death penalty and the "Firearms Law" foresees punishments for unregistered firearms (information provided by UN official via e-mail in July 2007).

<sup>60</sup> Many government officials claimed to understand PSCs as being part of the international military establishment in the country associated with ISAF/NATO, Coalition Forces or the diplomatic presence of embassies (interviews with Afghan government officials, western diplomats and UN officials, March 2007). Some saw it as a Western, and not an Afghan phenomenon (interview with Head of CIU/MoI, Kabul, 28 March 2007). There are also speculations that the Afghan government assumed the NGO law (passed on 15 June 2005) would regulate all kinds of non-governmental organisations, including PSCs.

<sup>61</sup> Information for this section was obtained from interviews with UN Officials, western diplomats, Kabul, March 2007.

<sup>62</sup> Suggested by western diplomats interviewed, Kabul, March 2007.

<sup>63</sup> Information provided by UN official via e-mail on 28 June 2007. Members from PSCs seem to be also involved in an informal manner, indicated in discussions with PSC representative during March and June 2007.

<sup>64</sup> Interview with UN official, 3 November 2007.

The Afghan Constitution grants the monopoly of the legitimate use of force to the State only. Any attempt to regulate the use of force by other actors could be considered anti-constitutional. This is reiterated in the 2005 police law, which states that “neither the public nor the private institutions can launch an action that would interfere with the duties stipulated in this law unless officially authorised by the police.”<sup>65</sup>

It is possible that such issues prompted the focus on establishing an administrative regulation (*muqarrara*) for PSCs first and a formal law only later. The advantage would be a faster process, which only needs approval from within the Mol or the cabinet and not the parliament. The disadvantage would be that such a regulation could not include law enforcing measures as only formal law allows the penalizing of offenders.<sup>66</sup>

Each revision of the PSC regulation highlights a fundamental debate within the Afghan policy circles of how much “law” is needed, if at all. Some within the Afghan government seem to favour extensive regulation, while the industry itself, reiterated by voices within the UN, are in favour of essential legislation that could also be adequately enforced by the Afghan government.<sup>67</sup> The latest draft regulation outlined in the next section, leans more towards extensive regulation. But even if a regulation is passed, implementation might be difficult in the current Afghan context with a slow moving police reform.<sup>68</sup>

## 3.2 The current draft regulation and interim arrangements

During the writing of this report at least four different versions of a PSC regulation were drafted and discussed. This section refers to important elements contained in the fourth draft from early August 2007.<sup>69</sup> Even though the Ministry of Justice passed the regulation in early November 2007 (with some modifications),<sup>70</sup> it is still subject to approval by the Cabinet. Thus, it is likely that the draft discussed here is not the final version.

The following lists and analyses some key elements of the draft regulation for PSCs (see appendix III for more details). The regulation is stipulated to be in force until a Private Security Company law is established.

- The responsible entity within the Afghan government is the Mol. It is supported and supervised by a Coordination Board and associated Secretariat, which is proposed to consist of representatives from different ministries and security bodies (see appendix III for a list).

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<sup>65</sup> Article Twenty-seven - Non-interference in Police Business. Islamic Republic of Afghanistan, Ministry of Justice, Police Law, Published in the Official Gazette No: 862, Kabul, 22 September 2005. The duties of the police, including to protect the properties and assets of the public and private sector as well as those of the domestic and foreign and international institutions and organisations; fight against the cultivation, smuggling and trafficking of illegal drugs; fight against organised crimes and terrorism according to the provisions of the law.

<sup>66</sup> Information provided by UN Official via e-mail on 28 June 2007.

<sup>67</sup> Information obtained during visit to Afghanistan in 8-13 July 2007 from PSC representative and UN officials.

<sup>68</sup> Interview with former Deputy Mol, Kabul, 29 March 2007.

<sup>69</sup> Draft versions of the law currently lie with UNAMA and the various members assisting the commission working on it. The description is based on an English translation.

<sup>70</sup> Information on modifications was provided verbally by an UN official (interview 3 November 2007).

- There are strict ownership rules and registration requirements for PSCs, including specific requirements for PSC staff. For example, close family members (including second degree relatives) of various government ministries, departments or political leaders and parties, are not allowed to own (or hold a share in) a PSC.
- International PSCs need to prove international experience by possessing an operating license in another country than their country of origin.
- All international companies are required to deposit a bond of 15 million Afghani (about USD 300,000), while national PSCs deposit 10 million Afghani (about USD 200,000), into the Afghan Central Bank as security. A court can order payment from these bonds for damages caused by PSCs and their staff.
- All PSCs are required to sign onto the code of conduct of the International Peace Operation Association and have to prove clean criminal records. For Afghan staff, this is to be provided by the Afghan Independent Human Rights Commission (AIHRC).
- PSCs should limit their activities to security services such as logistics, training, and alarm services. PSCs are not allowed to engage in any criminal activities and they are not allowed to protect borders, religious sites, provide highway security, and hire active duty personnel of the ANA and ANP.
- A much debated article which initially was suggested for all PSCs currently obliges local PSCs to hand over their weapons, ammunitions, and equipment without costs to the MoI in the case of dissolution or end of activities. It is feared by some local PSCs that this might invite some abuse, or an incentive for closing local PSCs.

Since the establishment of the Monitoring and Evaluation Commission of Private Security Companies, there have been efforts to at least temporarily regulate PSCs. PSCs were required to register with the MoI and received temporary licenses, but only about 35 complied with this rule.<sup>71</sup>

Furthermore, despite a moratorium of not issuing new licenses until a regulation was passed, at least one new firm was set up with the approval from the MoI.<sup>72</sup> The newly appointed Kabul Chief of Police required companies to report against a thirteen item list (sent to the firms on 20 March 2007) that includes items such as the AISA registration, company background, and details of staff and weapons.<sup>73</sup> In addition to this, the Chief of Police also requested PSCs to inform him 24 hours prior to any movements inside and outside Kabul. Again, only a limited number of PSCs complied with this request.<sup>74</sup>

Since March 2007 several PSCs were either raided (collecting weapons and arresting PSC staff) or closed down. The most famous was the closure of a local PSC called Khawar belonging to the brother of General Din Muhammad Jurat after a public clash between General Jurat and the

<sup>71</sup> Information received from Afghan government official, September 2007.

<sup>72</sup> Information received from various sources (UN, government, private sector, media) in October 2007.

<sup>73</sup> Interview, Kabul, 27 March 2007.

<sup>74</sup> While the Chief of Police was optimistic that PSCs would comply with his request, members of the industry were sceptical that all PSC would be able to document all movements, especially those guarding VIPs (Interview with PSC representative, Kabul, 24 March 2007).

Attorney General.<sup>75</sup> In other raids (e.g., October 2007), at least two PSCs were closed with ten more pending closures mostly on suspicions of murder and robbery.<sup>76</sup> Some of these firms on the “closure list” are said to be international PSCs.

### 3.3 Self-regulatory attempts

Some bigger international PSCs in Afghanistan initiated a self-regulation process in late 2006/early 2007 along the lines of the Sarajevo Code of Conduct for Private Security Companies<sup>77</sup> with the idea to set up a best practice association in the form of a PSC interest group, the Private Security Companies Association of Afghanistan (PSCAA). According to an interview with a board member a total of 32 PSCs are interested in membership. During interviews in March 2007, it was unclear if PSCAA was already fully established, but it was confirmed later in the year that the association was awaiting the passing of the PSC regulation in order to register themselves officially.<sup>78</sup> On the one hand PSCAA was meeting regularly, on the other certain organisational issues were still debated, such as whether PSCAA should be strictly a foreign association or a mixed association with Afghan PSCs, including also capacity-building elements similar to the Private Security Company Association of Iraq (PSCAI).<sup>79</sup> PSCAA intends to model their draft constitution on that of PSCAI, which describes itself as “a non-profit organization formed and maintained to discuss and address matters of mutual interest and concern to the industry conducting operations in Iraq. The PSCAI seeks to work closely with the Iraqi Government and foster a relationship of trust and understanding.”<sup>80</sup>

While the formation of the PSCAA demonstrates that some PSCs are interested in self-regulation, it is also (or primarily) an interest group for PSCs. A PSC representative said in an interview that a government official told several international PSCs that such an association, especially all-foreign, could be a good trust-building mechanism with the MoI.<sup>81</sup>

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<sup>75</sup> E-mail information provided by UN official, September 2007, and various Afghan and international media accounts. See for instance Jason Straziuso and Fisnik Abrashi. Afghanistan cracks down on private security. 2 companies closed, 10 others targeted. Associate Press, 11 October 2007.

<sup>76</sup> See Straziuso/Abrashi 2007. A UN official suggested in a telephone conversation that this was more a “scare tactic” as the PSCs closed down were rather small (22 October 2007).

<sup>77</sup> The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), 30 July 2006.

<sup>78</sup> Information provided via email by acting-head of PSCAA in November 2007.

<sup>79</sup> Interview with PSC representative, 24 March 2007.

<sup>80</sup> <http://www.psc.ai.org/> - last accessed on 24 June 2007.

<sup>81</sup> Information provided by PSC representative via e-mail, June 2007.

## 4 PSCs and the local population in Afghanistan<sup>82</sup>

One of the main findings from interviews and focus group discussions with the civilian population is that PSCs are overall not positively perceived in Afghanistan. However, it is important to understand this attitude against the background of the war-history of the country as well as the confusing national security landscape in Afghanistan. Thus, while some concerns raised can be directly attributed to PSCs activities others need to be seen within the overall insecure environment in the country. There is still no rule of law in all parts of Afghanistan and efficient and transparent state institutions have not yet been satisfactorily built. Reconstruction efforts have progressed slowly, which has led to an increasing frustration among the Afghan population with regard to the international community as a whole, which is often not further differentiated according to the different actors.

First, there continues to be an information-gap among ordinary Afghan citizens and also some government officials regarding the multitude of security actors in the country. The lack of understanding about PSCs is, for instance, illustrated by the following quote: "Why are they here, what do they want, who are they - we ask."<sup>83</sup> Even the urban population in Kabul who is more in touch with PSCs or rural population who made experiences with PSCs for example while guarding the construction of the ring road, do not have a strong understanding of PSCs and their activities. An analysis of data gathered for this study suggests that the confusion regarding PSCs is based on the blurring of lines between private security contractors and other (armed) actors in Afghanistan, a complex situation that is also for international (military) actors not always easy to keep track of.<sup>84</sup> There are different, sometimes overlapping and not necessarily rational, associations made with PSCs and other armed groups inside Afghanistan. For example, in some focus groups PSCs were largely seen as consisting of international staff, while in others they were seen as largely dominated by local militias. This exemplifies how difficult the situation is to capture, as PSCs might be an Afghan company with Afghan staff, an international company with Afghan staff, or an international company with a mix of international, third-country national and Afghan staff.

Four areas of unclear boundaries between PSCs and other (armed) actors could be identified:

**Area 1: International PSC staff and international security forces.** Several respondents referred to international armed actors, regardless of their association (e.g., International Security Assistance

<sup>82</sup> During focus group discussions and interviews it was tried to take note PSC names in order to differentiate if it was referred to international or national PSCs. This was not always possible. Future research is needed in order to understand if a clear distinction can be made. Several names of PSCs came up during discussions and interviews. Yet, this does not imply that everything said only pertains to these companies. In most focus groups participants were not sure where the PSCs came from. The PSCs mentioned might simply be the more visible and known ones.

<sup>83</sup> Focus Group participants, Kabul, 29 March 2007.

<sup>84</sup> See for example the incidence about Keith "Jack" Idema. Jack claimed multiple times that he was a US government-sponsored Special Forces operative engaged in the war on terrorism. The US government repeatedly denied any kind of affiliation. Yet, both ISAF/NATO and US Military had to admit to have been in contact with Jack Idema, in the belief they were working with a "legitimate security agency." (Mariah Blake, "Tin Soldier: An American Vigilante in Afghanistan, Using the Press for Profit and Glory," Columbia Journalism Review, (January/February 2005), <http://cjrarchives.org/issues/2005/1/blake-soldier.asp> (last accessed 6 November 2007); Robert Young Pelton, *Licensed to Kill: Hired Guns in the War on Terror* (New York: Crown Publishers, 2006). CBC News, "Mercenaries dupe ISAF soldiers in Afghanistan," CBC News, (2004). [http://www.cbc.ca/canada/story/2004/07/14/isaf\\_afghanistan040714.html](http://www.cbc.ca/canada/story/2004/07/14/isaf_afghanistan040714.html), last accessed 6 November 2007).

Force, Afghanistan-ISAF; NATO; PRTs; CF or PSCs) as foreign forces or “a bunch of Americans.”<sup>85</sup> The surveyed local population in urban and rural areas alike had difficulties in clearly differentiating between PSCs and the existing international military establishment. Many PSCs were not seen as independent entities but linked to these international security forces in general, and the US army in particular.

**Area 2: Local PSC staff and militiamen.** Many focus group participants showed a tendency to call anything outside the ANA or ANP a (private) militia, and even these forces were sometimes labelled as such. Only well educated Afghans working with the humanitarian community, or Afghan intellectuals and journalists were able to differentiate PSCs as a business entity. Some PSC employees also seem to proudly display their militia and/or mujahideen background as the following anecdote by a focus group participant exemplifies: A local PSC staff guarding a US base got infuriated with the man accompanying an international filmmaker for not swiftly following orders to move the vehicle and quit filming. When the PSC guard physically lashed out at the man he shouted that he deserved more respect, as without the mujahideen there would still be war in Afghanistan.

**Area 3: Local PSCs and official security forces** (mainly Afghan National Police and Afghan National Army). Focus group participants complained about an inability to differentiate PSC staff clearly from ANA and ANP due to them wearing similar uniforms. Some Afghan government officials also feel that PSCs provide the Afghan government with a bad image due to a similar appearance and behaving badly.<sup>86</sup>

**Area 4: International PSC staff and international humanitarian workers.** This is a concern raised mainly by the NGO community<sup>87</sup> and is linked to the fact that PSC staff, just like humanitarian actors, are civilians, but nevertheless provide security and are often armed. This can blur the lines between military actors and the civilian community, putting the latter in danger, as most insurgent attacks tend to target the military establishment and PSCs.<sup>88</sup>

Secondly, in addition to this confusion, individuals interviewed expressed overall little sympathy for people continuing to make money through weapons. The negative history with gunmen of any kind very likely influenced the responses from civilian Afghans, who often wish for nothing more than peace. As the civilian population has suffered repeatedly from armed militias, it is difficult for those interviewed to comprehend the PSCs as a legitimate business sector. Moreover, it is hard for them to see gunmen as anything but militiamen – although international humanitarian actors sometimes consider PSCs as a “necessary evil” in an insecure environment. Few positive examples were linked to specific PSCs, by and large international and non-US PSCs.<sup>89</sup> Among focus group discussants, Gurkha guards were mentioned for having the most courteous and professional behaviour. Many

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<sup>85</sup> Focus group discussion, May 2007.

<sup>86</sup> Interview, Kabul, 28 March 2007.

<sup>87</sup> See for example ACBAR, “ACBAR Report on Private Security Companies” (Kabul, 16 September 2004).

<sup>88</sup> Interview with western NGO security advisor, Kabul, 29 March 2007.

<sup>89</sup> This is also reflected in the forthcoming study by Jean S. Renouf, “Perception Matters – Interactions between Private Security Companies and Humanitarian Actors in Afghanistan,” Forthcoming Draft Manuscript (2007).

negative examples were cited for local PSC staff, mirroring the perception that is held on local security forces, such as ANP and ANA, which are often viewed as negatively as PSCs.<sup>90</sup>

Another factor that needs to be taken into account is the lack of transparency around PSCs. As noted above, several of the concerns that were raised during interviews and focus group discussion might be linked to the scarce information on PSCs. Shortage of information is a general problem in Afghanistan, be it about reconstruction efforts, security sector reforms or foreign aid expenditure. The insufficient information about PSC actors indirectly encourages speculations on their nature and activities.

#### 4.1 The impact of unregulated environments and lacking transparency

A more detailed analysis of interview and focus group data reveals the need for an important differentiation. Several of the respondents argued that they were not against privatised security *per se*, but that they were opposed to PSCs working outside a proper regulatory environment with clear checks and balances.<sup>91</sup> Many negative remarks can be linked to the consequences of an unregulated environment – that indirectly encourages “the cutting of corners”, the dropping of standards, and possibly even illegal behaviour. The importance of PSC regulation was widely emphasised: “Private security companies should coordinate their activities under government rules and regulations. Relevant laws and proper codes of conduct should be drafted for private security companies, assuring the civil and political rights of citizens.”<sup>92</sup>

In fact, some of the statements from focus group participants reflect a feeling of frustration and powerlessness regarding the current situation. Afghans feel scantily protected by their own security forces, thus forcing them to mostly fend for themselves. PSCs as an additional security actor in a situation of poor governance as it prevails in Afghanistan seem to increase the sense of insecurity due to the lack of accountability and institutions one can turn to in case of complaints.

“We may also have problems with ANA and ANP, but at least on paper there are rules put down for them, they are part of the government. At least we know where to go and complain. What about PSCs, if something happens, where should we go to complain, what should we do about if we have problems?”<sup>93</sup>

A tendency of passing around responsibilities and accountability on how to deal with complaints about PSCs was observed. One PSC suggested that: “if a member of the local population has a complaint they are free to air it via the usual channels, such as the police.”<sup>94</sup> In Afghanistan, where the local police is neither trusted nor fully qualified yet to take on such complaints, this process might prove difficult.<sup>95</sup> Individuals within the MoI in turn stated that they simply refer complaints to

<sup>90</sup> Expressed in all focus group discussions, March, May and June 2007.

<sup>91</sup> Focus group participants, Kabul, 29 March 2007.

<sup>92</sup> Focus group participant, Kabul, 28 March 2007.

<sup>93</sup> Participant, Focus group discussion, Kabul, 29 March 2007.

<sup>94</sup> Information provided in May 2007.

<sup>95</sup> See Andrew Wilder, “Cops or Robbers: The Struggle to Reform the Afghan National Police”, AREU Issue Paper Series (Kabul, July 2007).

the embassies of the countries of origin of the PSC.<sup>96</sup> Embassies, however, are typically not equipped to deal with complaints of local people in a systematic way.<sup>97</sup> The PSC umbrella organizations International Peace Operations Association and British Association of Private Security Companies also offered to raise complaints with their members, yet the local population in Afghanistan is hardly aware of this option, and neither organisation has offices in Afghanistan. Western diplomats, moreover, stated that PSC staff guarding embassies fell under diplomatic immunity and would be prosecuted in their home countries.<sup>98</sup> Similarly, PSCs and clients explained this practise as necessary since the Afghan justice system would not meet the standards of their home countries and a fair and adequate prosecution could not be guaranteed.<sup>99</sup> Questions were, however, raised whether or not PSC staff is indeed prosecuted at home for crimes committed in Afghanistan:

“[A]n American USPI supervisor shot and killed his Afghan interpreter after an argument. Instead of turning the supervisor over to Afghan officials for an investigation, USPI helicoptered him out of the province to Kabul, and flew him back to the United States. While it is unclear whether security contractors are subject to local or U.S. military law, the USPI supervisor has so far been subject to neither.”<sup>100</sup>

All this tends to contribute to an impression, that PSCs are not held accountable and do not have to fear serious repercussions for their actions. Since there are concerns among civil society that former warlords can act with impunity, PSCs are perceived as yet another armed actor that can act above the law.<sup>101</sup>

Focus group participants moreover argued that a lack of, or improper identification (such as wearing uniforms similar to those worn by Afghan security forces) contributed to a feeling of insecurity among the local population, not knowing who is who. Civil society representatives requested that PSCs should be clearly identified, ideally with one agreed upon uniform separating them from ANA and ANP, bearing a clearly visible logo of the responsible company.<sup>102</sup> This is done by some PSCs in Afghanistan, but not by all.

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<sup>96</sup> Information provided during interviews in March 2007.

<sup>97</sup> Interview with western diplomats, Kabul, March 2007.

<sup>98</sup> Interview with western diplomat, Kabul, 24 March 2007.

<sup>99</sup> Interviews, Kabul, March 2007.

<sup>100</sup> Fariba Nawa, “Afghanistan, Inc. A CorpWatch Investigative Report,” (2006), p. 15. <http://corpwatch.org/downloads/AfghanistanINCfinalsmall.pdf>. According to Robichaud 2007, “a contractor working for the CIA in 2003 was convicted of misdemeanor assault for beating to death an Afghan detainee over the course”.

<sup>101</sup> Interview, members of the Afghan International Human Rights Commission Kabul, 26 March 2007. Participants from one of the Kabul focus groups, 4 June 2007, went as far as suggesting that some criminals intentionally looked for work in PSCs in order to obtain arms and abuse their status (such as taking revenge on enemies).

<sup>102</sup> Raised during two focus group discussion in Kabul in March 2007, but also during individual interviews.

Some members of the Afghan civil society interviewed argued that the international community should have a responsibility for the regulation of foreign PSCs.<sup>103</sup> Several respondents suggested that foreign nations should register PSCs in their home country and monitor them from there.<sup>104</sup> Others in contrast urged that the national government should take more initiative to establish rules and regulations.<sup>105</sup> Afghan NGOs, which had undergone a lengthy process for the finalization of an NGO law, find the lack of a PSC law puzzling, almost feeling as if PSCs are given a special status, possibly due to whom they associate with (see section 4.3.3):

“At least on paper there are rules for NGOs and political parties, so why is the government not also putting an emphasis to regulate PSCs if so much effort was spent on regulating NGOs – after all they are the ones with guns, not us. The same rules (e.g., transparency, reporting) that are applied to NGOs or political parties should be applied to PSCs.”<sup>106</sup>

This would include, in their opinion, consultation with the civilian population, as they are directly or indirectly affected. Unfortunately, civil society consultations around legal issues has rarely occurred in Afghanistan, unless it was demanded by civil society through intense lobbying efforts or pushed forth by international actors.

## 4.2 Economic benefits and employment opportunities

The drastic rise of PSCs in Afghanistan is a response to a clear market demand for private security services. According to PSC clients and UN officials, most international actors would not remain in insecure environments, such as Afghanistan without adequate protection.<sup>107</sup> In a situation where the local security forces are not able to provide adequate security and the outreach of the international peacekeeping force is limited, private actors fill this gap. Also many support functions of the international military are increasingly outsourced to the private sector, which is considered a more cost-efficient and expedient service delivery than those provided by large state bureaucracies.<sup>108</sup>

Kidnapping has become a major hazard not just of foreigners working in Afghanistan, but especially for the Afghan private sector. Often little covered in the media there has been an increase of profit-oriented kidnappings of Afghan businessmen.<sup>109</sup> In such a situation, private investors have two choices - leave the country, or hire some form of private protection, either individual armed bodyguards or PSC services. These necessary services provided by PSCs that secure private sector presence in the country is often not fully understood by those who were part of this study. Only in one focus group it was acknowledged that PSCs provide security for logistics such as the delivering

<sup>103</sup> This was especially raised during two focus group discussion in Kabul in March 2007, but also individual interviews with Afghan NGO leaders.

<sup>104</sup> This was especially raised during two focus group discussion in Kabul in March 2007, but also individual interviews with Afghan NGO leaders.

<sup>105</sup> Focus group participants, Kabul, 29 March 2007.

<sup>106</sup> Director of Afghan NGO, Focus group discussion, Kabul, 28 March 2007.

<sup>107</sup> Interviews with UN officials and clients of PSCs, Kabul, March 2007.

<sup>108</sup> Interview, Kabul, 24 March 2007.

<sup>109</sup> Interview with UN officials and informal discussions with Afghan business men, Kabul, March and July 2007.

of food and non-food items to provinces,<sup>110</sup> while two others acknowledged the protection of road construction.<sup>111</sup> Even though focus group participants recognized that international actors needed protection, the discussions did not reflect an understanding that without PSCs there would probably be significantly less international presence. One explanation might be that there are still many civilian actors, especially among the NGO community, who do not use the services of PSCs, even though they employ unarmed guards. Furthermore, as Afghan society is still largely community oriented, focus group participants valued an improvement in the general security environment more than the provision of security to specific sectors of society (such as the private business sector). In one Kabul focus group, a participant raised the point that PSCs were sending a strong message that security is not a public good, but a commodity of foreigners and wealthy Afghans.<sup>112</sup>

The main positive aspects of the private security industry that were widely acknowledged during interviews and focus group discussions were benefits to the Afghan economy and employment opportunities.<sup>113</sup> It was noted that given the currently high unemployment rates, especially among (uneducated) ex-militia, PSCs could help absorbing the abundance of unemployed men. PSCs can offer an employment opportunity for former militia fighters who may not have the skills to work in civilian jobs. In order for this effect to remain positive, however, those interviewed suggested that PSCs need to emphasize education, training, and supervision of their local staff, thereby also contributing to the growth of a professional work force in the security industry. Focus group participants and respondents interviewed were uncertain if PSCs had lived up to their possible contribution to capacity building and felt that there was much need for improvement. While it was acknowledged that PSCs could function as part of a reintegration mechanism for previous militia fighters, it was debated whether PSCs represent a contradiction to the formal DDR process since in some cases former militia fighters were “re-mobilized” and “re-armed” as PSC employees.

Beyond the employment effect, other positive economic impacts of PSCs were acknowledged during the focus group discussions and interviews. First, as PSCs provide employment and tend to pay higher salaries than local security forces, the purchasing power of those individuals is increased, benefiting also local businesses. Second, international PSC staff (as other internationals working in Afghanistan) is also seen as contributing to the local economy with their purchasing power. Although, some focus group participants felt that this benefited mainly a small commercial sector targeting internationals (e.g., specific shops and restaurants). Some saw the fact that PSCs, as other international actors, pay higher rent for offices and houses than Afghans as a positive contribution to the local real-estate market. Others, however, felt that the international community in general, including PSCs, had contributed to a rent hike that pushed ordinary Afghans further outside the city where housing was still affordable.

Last but not least, some focus group participants considered the paying of taxes by PSCs, and other international actors (if it occurred), as contributing to the strengthening of the Afghan government. There was some uncertainty during the discussion as to whether taxes indeed were being paid. This suspicion of tax evasion was not directed uniquely at PSCs, but at international actors in general.

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<sup>110</sup> Focus group discussion, Kabul, 4 June 2007.

<sup>111</sup> Focus group discussions in Logar and Pakia, 19 and 20 May 2007.

<sup>112</sup> Focus group discussion, Kabul, 29 March 2007.

<sup>113</sup> Focus group discussions in various locations, March, May and June 2007.

### 4.3 'Human' security

The previous section mentioned the link between PSCs and the security of international actors working on peacebuilding and reconstruction efforts in Afghanistan. In contrast to peacekeeping forces, PSCs are typically not tasked with supporting the general security environment, even though ad-hoc positive spill over effects may occur. This section focuses on the perceptions of Afghans interviewed individually or during focus group discussions regarding the link between PSCs and their own security.

The most important finding is that those interviewed did not feel that PSCs had a positive impact on their 'human' security. PSCs were perceived as exclusively working for "internationals, especially those not so familiar with the terrain in Afghanistan."<sup>114</sup> Questions were raised as to whether the services of PSCs were to provide exclusive security for their clients or to also control access to those they protected.<sup>115</sup> The example of DynCorp, when still in charge of the security for President Karzai, was raised several times during focus group discussions. Participants felt that Karzai's security arrangement (not necessarily the bad security environment in the country) kept the president from interacting with his people, especially outside Kabul. Other examples of difficult access to international actors were also raised, especially when guards blocked access for Afghan nationals.

An interesting security concern was raised during two focus group discussions in Kabul involving civil society representatives and young leaders. The two groups wondered whether the presence of PSCs was sending subliminal messages that the security situation in Afghanistan is worse than it is in reality, keeping foreigners in fear and willing to pay for armed guards.<sup>116</sup>

"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?"<sup>117</sup>

Another concern raised was the location of PSC offices in residential neighbourhoods, particularly in Kabul. Some focus group participants felt that rather than improving the security of an area, some PSCs actually decreased the security environment "as they are armed, block the road, are badly behaved and seem to attract trouble."<sup>118</sup> While supposedly guarding a house or compound, a focus group participant described PSC staff as interfering with the lives of everybody on that street.<sup>119</sup>

The following statements extracted from interviews and focus group discussions serve as further illustration on the perceived impact of PSCs on human security:

- "People are really fed up with seeing PSCs. Whenever you go into certain areas with so called important people, you feel as if you are in a small army city, there are sand sacks, armed men [...] It makes you feel as if you are in a war area, not in peace."

<sup>114</sup> Afghan elder, focus group discussion, May 2007.

<sup>115</sup> Focus group discussion, Kabul 29 March 2007, a concern echoed by UN officials and western diplomats.

<sup>116</sup> Focus group discussion in Kabul, 28, 29 March and 4 June 2007.

<sup>117</sup> Focus group discussion, Kabul, 29 March 2007.

<sup>118</sup> Focus group discussion in Kabul, 29 March and 4 June 2007 and interview, Afghanistan Independent Human Rights Commission, Kabul, 26 March 2007.

<sup>119</sup> Focus group discussion in Kabul, 29 March and 4 June 2007.

- "PSCs are damaging the fragile culture of peace that civil society has tried so hard to build over the past years. With all the guns these companies are showing off, they bring us back to a situation of war."
- "Internationals want to build a culture of peace on the one hand, but on the other hand they are using armed guards contributing to a culture of war – is this not a contradiction?"
- "The irregular existence of PSC in the city gives an impression of an active war-like situation."

The widespread use of armed PSCs guards seems to be one of the factors contributing to the negative image of PSCs in Afghanistan evoking a feeling of insecurity among participants in this study. The Chief of Police Administration at the MoI, for example, questioned whether PSC guards necessarily needed to carry an AK 47.<sup>120</sup> This question of proportionality is not only linked to the number and types of weapons used by PSC, but also of how many guards are really needed per person, per organization, or per area/site protected. The latter is also an issue of coordination and illustrated by the following statement.

"How many armed people do we need? This should be assessed better. If one street has five organizations that require armed guards, then you really have twenty different guards on the street, all armed, all belonging to a different company. Why can they not consolidate and make rules how many armed guards are in one place?"<sup>121</sup>

Existing literature argues that an underlying problem in Afghanistan is the fact that the international community is sending mixed messages about whether their primary goal is to build peace or to wage a war against terrorism.<sup>122</sup> The discussion in focus groups about whether PSCs actually contribute to insecurity rather than security seems to echo similar concerns. Nevertheless, it is hard to ascertain how much PSCs de facto contribute to this dilemma without doing further research.

The following sub-sections will explore some specific concerns raised by study participants in relation to 'human' security in the country in more detail.

#### **4.3.1 PSCs and small arms**

Previous chapters highlighted the relevance that study participants ascribed to the topic of PSCs' arms use. Discussions revolved around where PSCs got their weapons from, what kind of weapons were being used and whether or not arms were registered and licensed. The statements below illustrate further assumptions made by participants concerning the connection between PSCs and arms:

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<sup>120</sup> Interview, Kabul, 2 April 2007.

<sup>121</sup> Focus group participants, Kabul, 29 March 2007.

<sup>122</sup> Conrad Schetter, "The Dilemma of Reconstruction in Afghanistan: International Intervention between the State, Civil Society and Traditional Elites." in Publication Series on Promoting Democracy under Conditions of State Fragility, Issue 1: Afghanistan (Berlin: Heinrich Böll Foundation, 2006), pp. 9-22. Susanne Schmeidl, "The Emperor's New Clothes: The Unravelling of Peacebuilding in Afghanistan," *Friedens-Warte - Journal of International Peace and Organizations*, 1-2 (2007), pp. 69-86.

- "PSCs are corrupt; they are bringing more guns into our country. Given that the guns are new, they are bringing them in from the outside, as if we did not already have enough guns in the country. Nobody seems to ask where the weapons are coming from."
- "The Afghan government is talking about DDR, yet PSC employees are all carrying weapons."
- "PSCs are using government permits to smuggle weapons into Afghanistan."
- "PSCs only register part of the weapons they have, especially larger arms are not reported."
- "PSCs buy weapons on the black market."
- "PSCs hire men who are already armed."
- "What happens to the weapons of PSCs when they leave Afghanistan?"

These statements call for further research on the link between PSCs and small arms proliferation in Afghanistan. Overall, it is estimated that about 56,000-336,000 weapons might exist in Afghanistan outside the control of the government.<sup>123</sup> With an overall problematic DDR process and a flourishing arms market in Pakistan, it is hard to assess how much PSCs have contributed to small arms proliferation or if they simply took advantage of the existing stockpile of arms inside the country. In focus group discussions the concern was raised that PSCs hire armed individuals without paying much attention to the origin of the weapons. Some felt this discouraged participation in the DDR and the ongoing DIAG process.<sup>124</sup> Rather than working on reintegration into a civilian life, former militia fighters are able to "re-invent themselves" without having to give up weapons or change their behaviour and attitude. According to an UN official, Kabul alone may have 60,000 armed individuals outside the government structure available to be absorbed into the private security business. Some of them disappeared from official lists fairly early in the DDR process.<sup>125</sup> The issue on how PSC activities harmonize with, or undermine, the security sector reform processes needs to be further scrutinized.

#### 4.3.2 PSCs and crime

During interviews and focus group discussions the link between crime and PSCs was frequently raised, with PSCs (both local and international) being associated with criminal gangs (e.g., for the purchasing of weapons) and PSC staff being accused of participating in illegal activities. Examples put forth included violent assault, petty theft, extortion, looting, drug trafficking, kidnapping, rape, prostitution, and illegal arms trade (see discussion on the proliferation of small arms).

The AIHRC, for example, stated that they had received complaints from Afghan citizens about militia in Kandahar being engaged in petty crime and drug trafficking, many of which were assumed to be associated with PSCs.<sup>126</sup> Anecdotes such as by a western diplomat witnessing four guards working

<sup>123</sup> UNAMA 2006, p. 3.

<sup>124</sup> Interview with Afghan human rights activists, and UN officials, March 2007.

<sup>125</sup> Interview with UN Official, 20 March 2007.

<sup>126</sup> Interview, Kabul, 26 March 2007.

for DynCorp beating up an Afghan at gunpoint who confronted one of their colleagues about a hit and run traffic accident were also raised in interviews and focus-group discussions.<sup>127</sup>

Even though many of these reports are mainly rumours and anecdotes, incidences about PSC misconduct were extensively cited and perceived to be wide-spread. Many focus group participants referred to such criminal behaviour as “once a militia – always a militia”, giving examples such as PSC staff collecting “fees” at roadblocks.

The issue of criminal behaviour was often closely linked to the issue of accountability and impunity that was discussed in chapter 4.1.

### 4.3.3 The relation between PSCs and local strongmen

The seemingly close relationship between militia and PSCs (see chapter 2.2) also appears to undermine trust and increase resentment of the local population with regard to PSCs. Since many PSCs are former militia, respondents were concerned that the relationship between them and current militia commanders continues to be strong. The image of PSCs is also tainted since some companies appear to directly contract militia commanders as a convenient way to obtain armed and trained guards.<sup>128</sup> Even if this practice is not widely used, it shapes the overall view on PSCs, including of those companies that do not have direct links with militia.

- “If you get kicked out of government, you take your people and make them into a security company, and you are right back in power controlling things (reference to General Deen Mohammad Jurat working with USPI).”<sup>129</sup>
- “They [PSCs] make deals with local commanders who are supposed to be disarmed and do not let us know so that we can at least register them. They are shady characters who use their weapons without responsibility.”<sup>130</sup>
- “PSCs cause a prevalence of violence as they are running around armed, legitimising former warlords.”<sup>131</sup>

To the question of who was attracted to work in PSCs respondents frequently listed warlords, mujahideen fighters, criminals, and people who want power or want to avoid the DDR process.<sup>132</sup> Some went as far as arguing that strongmen intentionally converted their militia or private army into PSCs in order to be able to legitimately maintain them.<sup>133</sup> According to a female parliamentarian, the practise of some PSCs of contracting ex-militia fighters via commanders, rather than making

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<sup>127</sup> Information provided by western diplomat on e-mail, 30 June 2007. Interviews and focus group discussions in Kabul during March, May and June 2007; but also anecdotes that the author was informally told while working in Afghanistan during 2002-2005.

<sup>128</sup> Interview with private sector representative, 1 April 2007.

<sup>129</sup> Focus group discussion, Kabul, 29 March 2007.

<sup>130</sup> Official of the Afghan Interior Ministry quoted in Nawa 2006, p. 16.

<sup>131</sup> Focus group discussion, Kabul, 29 March 2007.

<sup>132</sup> Several Focus groups discussions in Kabul and rural areas, March and May 2007.

<sup>133</sup> The establishment and maintenance of illegally armed groups is against the Afghan Criminal Code (Art. 213) (information obtained from UN official via email in July 2007).

individual contracts also allows militias to “keep their presence in different ways. They work with the new system in order to stay in power and make money.”<sup>134</sup> Aside from being a source of income for commanders who tend to get a percentage of the fighters’ salaries, there is a further concern that the allegiance of the fighters stays with their commander and not the company.<sup>135</sup>

The fears expressed were two-fold. Firstly, interviewees wondered about the readiness of militias embedded in PSCs to engage in another civil war. Secondly, some civil society representatives saw the proliferation of local PSCs (especially those owned by family members of high ranking government officials) and their links to militias as an uneasy reminder of the last days of the former communist government under Najibullah who enlisted pro-government militia to kill opponents.<sup>136</sup> The ownership of some PSCs by family members of high-ranking Afghan government officials was also potentially seen as a way to undermine accountability and using government connections to obtain big international contracts.

An operations manager for USPI said their rationale for working with commanders is that “We’d like to think that we know who’s in control and, whereby knowing who’s in control, we’d like to set lines at what point to use which kind of commander.”<sup>137</sup> Even if such behaviour is an expedient way to receive protection, it is not without risk for security firms. PSCs are essentially paying those individuals for protection that might be the main source of insecurity in the region to begin with. A western diplomat suggested, for example, that USPI hired Zabet Jalil in Farah even though there were allegations that he had killed a USPI advisor and three of his security guards in early 2006.<sup>138</sup> Some respondents felt that this practice sent a message to the militia that by remaining a threat (and also increasing the feeling of insecurity within the general population in those regions where these practices are used) they are likely to be hired in the future.<sup>139</sup>

While there is a positive argument to be made that PSCs employment keeps former strongmen and their militia off the streets in a reputable job,<sup>140</sup> it is questionable that this positive effect is long-lived, given that PSCs may only be temporarily in Afghanistan. The dilemma as to what will happen to these militia when the contracts are over needs to be addressed.<sup>141</sup>

#### 4.4 PSCs and weak states

It was noted earlier that PSCs offer their services in Afghanistan because the national security forces are unable to sufficiently provide security to international actors and the private sector. While this might be a temporary measure, some respondents interpreted it as a weakness of the Afghan

<sup>134</sup> Interview, Kabul, 30 March 2007.

<sup>135</sup> Interviews with the human rights activists, UN officials and western diplomats as well as focus group discussions, Kabul, March and April 2007.

<sup>136</sup> Focus group discussions, Kabul and rural areas, March and May 2007. See also Robichaud 2007.

<sup>137</sup> Cited in Nawa 2006, p. 17.

<sup>138</sup> The attack was officially associated with the Taliban, but rumours linked it to Zabet Jalil. Information provided via e-mail on 30 June 2007.

<sup>139</sup> Interviews with UN officials and western diplomats, Kabul, 2007. Even though mafias tend to work proactively in requesting protection money from local businesses, one wonders if this practise parallels somewhat mafia behaviour.

<sup>140</sup> Interview with Afghan businessman, Kabul, 29 March 2007.

<sup>141</sup> Follow-up discussion with UN official via telephone, Kabul, 22 October 2007.

state.<sup>142</sup> Especially in rural areas of Afghanistan, but also in Kabul, there is a strong sense that the government should not rely on PSCs but should take responsibility for the security of their country: "In comparison to international forces (including PSCs), the Afghan security forces are better for Afghanistan. If they receive more professional training and are provided with adequate weapons and equipment, they can play a key role in bringing security and prosperity to the country."<sup>143</sup> Focus group participants feared particularly that because of "the existence of many PSCs, Afghan security forces (ANA and ANP) did not feel themselves accountable for the security of the local population."<sup>144</sup>

Especially the inability of the Afghan government to regulate PSCs and hold them accountable was interpreted as a weakness of the government (specifically the MoI) during focus group discussions.<sup>145</sup>

- "PSCs show lack of respect toward local security forces, and do not collaborate with them."
- "PSCs are able to wear similar uniforms to the ANA and ANP, drive around in unmarked cars, and ignore traffic rules, without being told to do so otherwise by the Afghan government." The worst allegation was that PSC staff wearing ANA and ANP uniforms were committing criminal acts such as robberies.
- The ability of PSCs to block roads at will and limit access to important facilities such as hospitals is perceived as a major problem: "They tell you not to go here, or not to go there, they block the road – who are they to do this?"
- Ignoring the authority of local police and lacking respect of traffic laws and inappropriate driving styles, such as not stopping at intersections, using one-way roads in the wrong direction, driving too fast and pushing people to the side of roads. A DynCorp guard was also once seen slapping an Afghan Minister.

During focus group discussions the implication of a weak government versus strong PSCs was debated. As noted earlier, there are fears among those interviewed that strongmen who are able to "preserve" their "personal army" in form of, or through PSCs may at one point challenge the government and re-ignite civil war.<sup>146</sup> In addition, some considered PSCs as a potential threat to the state:

"We saw how a small riot [May 2006] shocked the government, we saw how unarmed people shocked the government and the police was not able to control them and had to call in the national army. If the police cannot control an unarmed mob, how could they control an armed one? If anybody can buy the service of PSCs, what if people who want to overthrow the government hire them? What happens then? Who is going to take responsibility?"<sup>147</sup>

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<sup>142</sup> Focus group discussions, Kabul 29 March and 4 June 2007.

<sup>143</sup> Focus group discussions in Logar, 19 May 2007 and Khost, 15 May 2007.

<sup>144</sup> Focus group discussions in Kabul, 28 and 29 March 2007.

<sup>145</sup> Focus group discussions, Kabul and rural areas, March, May and June 2007.

<sup>146</sup> Several focus group discussions, May and June 2007. See also Robichaud 2007.

<sup>147</sup> Focus group discussion, Kabul, 29 March 2007.

With regard to PSCs in foreign ownership, focus group discussants further raised the question as to who is "in charge in Afghanistan" - the Afghans or the foreigners supporting them.<sup>148</sup> During the times that President Karzai was guarded by DynCorp, for example, there was a general perception that the foreign PSCs controlled access to the president and did not allow him to travel within his own country.<sup>149</sup> Even though the president's office now uses Afghan bodyguards, several focus group participants still believed that the Afghan guards are simply for "show" while the Americans are still in charge behind the scenes.<sup>150</sup>

## 4.5 PSC staff and professionalism

Many of the comments of Afghans interviewed individually and in focus group discussions about PSC staff were related to bad behaviour (with references to local, third-country and international staff) or misconduct and lacking professionalism (with references mainly to local staff).

*Bad behaviour* – compared by some focus group participants with being "US cowboy-like", was described as treating Afghans without respect (such as customers of shopping malls, banks etc.); harassing them when trying to pass through roadblocks to get to schools or clinics; harassing and speaking inappropriately to women; using drugs; not respecting the laws of the country; and teaching young Afghans negative cultural values (e.g., such as disrespecting elders). There was a feeling among focus group participants that international actors received preferential and more courteous treatment when having to deal with PSC staff. Several Afghan respondents considered bad behaviour by foreign staff as disregard and disrespect for their culture.<sup>151</sup> Only some third-country national PSCs staff (Gurkhas) were mentioned as a positive example. They are credited with knowing their profession, correct procedures, how to treat people and above all, their use of a "soft language."<sup>152</sup>

Several international observers and Afghan government officials echo the sentiment that PSCs often behave badly. A foreign journalist wrote for instance: "For the past five years President Hamid Karzai has been guarded by rude, scruffy, heavily built American male and female Rambo-style bodyguards. They treated everyone with contempt."<sup>153</sup> Similarly, according to Lt. General David Richards, Head of NATO's international security force in Afghanistan "poorly regulated security companies" are unethical and "all too ready to discharge firearms," contributing to a "situation in the country 'close to anarchy.'"<sup>154</sup>

Lacking professionalism was described as poor training, lacking moral codex (or the following of a code of conduct), being illiterate or having a low educational background, lacking qualifications for the job, and being non-committed and ineffective.

<sup>148</sup> Focus group discussion, Kabul 29 March 2007.

<sup>149</sup> Focus group discussion, Kabul 29 March 2007.

<sup>150</sup> Focus group discussion, Kabul, 29 March 2007.

<sup>151</sup> Interviews, March 2007.

<sup>152</sup> Focus group discussions in Kabul, March and June 2007.

<sup>153</sup> Ahmed Rashid, "Karzai calls in the tribes in bid to oust the Taliban," Daily Telegraph, 9 October 2006. <http://www.ahmedrashid.com/publication/afg/articles/files/KarzaiCallsInTheTribesInBidToOustTaliban.pdf> (last accessed 6 November 2007).

<sup>154</sup> Cited in Richard Norton-Taylor, "Afghanistan close to anarchy, warns general," The Guardian, 22 July 2006. <http://www.guardian.co.uk/afghanistan/story/0,,1826479,00.html> (accessed 8 June 2007).

Less from civil society, and more from the international community, the US firm DynCorp has recently come under intense criticism regarding the quality of police training they were providing which, among others, reflected also back to the poor quality of staff they hired.<sup>155</sup> Since the ANP is in charge of assuring security for the local population, bad police training may indirectly impact the general security situation.

Training and adequate supervision of PSC staff, especially local staff with militia background was recommended as crucial by several stakeholders, since so far little consideration was given to this aspect.<sup>156</sup> There were several allegations that PSCs failed to adequately monitor their staff, especially in remote places allowing employees to get involved in robberies, looting and occasional kidnappings (see previous section).<sup>157</sup> Focus group participants felt that especially foreign firms had this responsibility regarding their local staff as the international community was also in Afghanistan for the purpose of capacity building.<sup>158</sup>

## 4.6 The cost of private security in Afghanistan

In the current environment in Afghanistan, there is much concern about the use of donor monies for reconstruction efforts.<sup>159</sup> In several focus group discussions the costs of PSC services were debated. The PSC services were compared to the same services provided by Afghan security forces (although it was acknowledged that the capacity of the latter was still insufficient). While PSCs are appreciated for providing employment to Afghans on the one hand, focus group participants saw them as part of the overall scheme of diverting much needed reconstruction funds back to the countries where they were pledged. The latter was seen especially ironic, as PSCs were overall not perceived as contributing to a better security environment for the general population, but only to those who were able to afford their services – mainly international organizations.<sup>160</sup> The visible spending of some PSCs, such as DynCorp renting rooms for their international staff in an upmarket hotel in Kabul, seems to contribute to this perception.<sup>161</sup>

Controversial is also that some PSCs may charge their clients significantly higher amounts than what they pass on as a salary to their local staff.<sup>162</sup> Afghans interviewed as well as members of the international community criticized the fact that some PSCs may charge a client USD 400-500 for each local security guard, while only paying a salary of about USD 200 to the guard.<sup>163</sup> The salary of third-country nationals (mainly Gurkhas) is also criticised, as qualified Afghans feel that they are

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<sup>155</sup> See for instance: IRIN - Integrated Regional Information Network-UN, "Afghanistan: Police casualties high due to lack of training, equipment," Kabul, (12 June 2007). Renae Merle, "Coming Under Fire: DynCorp Defends Its Work in Training Foreign Police Forces," Washington Post, 19 March 2007, p. D0. Interviews with western diplomat and western police advisor, Kabul, 25 and 26 March 2007.

<sup>156</sup> Interviews with various stakeholders, Kabul, March 2007.

<sup>157</sup> Interview with UN officials and western diplomats, and local organizations, Kabul, March 2007. See also Nawa 2006.

<sup>158</sup> Various focus group discussions, Kabul and rural areas, March, May and June 2007.

<sup>159</sup> William Maley, *Rescuing Afghanistan* (Sydney: New South Wales Press Ltd, 2006).

<sup>160</sup> Focus group discussion, Kabul 28 and 29 March and 4 June 2007.

<sup>161</sup> Several interviews, Kabul, March 2007. A PSC representative argued that the deal received by the hotel in question was cheaper than renting houses, Interview, 24 March 2007.

<sup>162</sup> Interview with UN officials and western diplomats, Kabul, March 2007.

<sup>163</sup> Interview with UN officials and western diplomats, Kabul, March 2007.

competing with foreigners for the scarce, well-paid positions. Some PSCs, however, prefer to hire third-country nationals over ex-militia fighters due to the background of the latter.<sup>164</sup>

Obtaining information on the cost of private security is difficult, as PSCs only disclose this information to their clients. According to official sources of the UK government, it spent £15,269,000 (USD 30,028,368) during April 2004 and August 2006 for private security services.<sup>165</sup> The US government was estimated to have spent USD 36 million for 4½ years for a contract with USPI<sup>166</sup> and the contracts for DynCorp were estimated at a minimum of USD 150 million.<sup>167</sup> UNOPS has awarded security contracts amounting to approximately 24 million since 2005.<sup>168</sup> These figures reflect only a fraction of spending for PSCs, as for example, big firms such as Blackwater or Saladin are not included here. Cases of fraud such as were alleged of USPI nurtured suspicion among members of the local population.<sup>169</sup>

## 4.7 PSCs and gender considerations<sup>170</sup>

"What will the children walking to school learn when every morning they go to school and have to pass at least five men with guns guarding something? This will impact on their attitude about Afghanistan and perpetuate a male image of men needing to be armed."<sup>171</sup>

This quote describes the problem of narrow and also negative definitions of *masculinity* and *femininity* that tend to exist in countries having undergone war.<sup>172</sup> Men are mainly seen as the protectors (and also aggressors) and women as vulnerable victims who need to be protected. In Afghanistan this has further reinforced already existing narrow definitions of gender roles.<sup>173</sup>

Moving to peace often includes a process of opening up gender identities with men defining themselves less through militarism. This issue was mainly raised by women in a few of the Kabul-based focus groups. But some men also acknowledged that "PSCs were perpetuating a 'war-like' situation, giving an image of men needing to be armed even in a peace situation" and boys an idea

<sup>164</sup> Information provided by PSC representatives via e-mail May and June 2007.

<sup>165</sup> Letter of the Foreign & Commonwealth Office to Channel 4 News on 14 September 2006. [http://www.channel4.com/news/media/2006/09/week\\_3/22\\_foi.jpg.doc](http://www.channel4.com/news/media/2006/09/week_3/22_foi.jpg.doc).

<sup>166</sup> See Nawa 2006, p. 15.

<sup>167</sup> See Giustozzi 2007, p. 31.

<sup>168</sup> Renouf 2007, p. 11.

<sup>169</sup> Eric Schmitt and David Rohde, "Reports Assail State Dept. on Iraq Security," The New York Times, 23 October 2007. Information provided by UN official via email in late September 2007 about the USPI for six-digit figure fraud.

<sup>170</sup> This section was not part of the original research framework. Only preliminary findings can be presented. Further research is needed.

<sup>171</sup> Female Parliamentarian, Kabul 29 March 2007.

<sup>172</sup> See, for example, Elisabeth Ferris, *Women, War & Peace: An Issue Paper* (Uppsala: Life & Peace Institute, 1992). Dyan Mazurana, Angela Raven-Roberts and Jane Parpart (eds.), *Gender, Conflict, and Peacekeeping* (Lanham, MD: Rowman & Littlefield Publishers, 2005).

<sup>173</sup> Sippi Azerbaijani-Moghaddam, "Gender in Afghanistan," in *Publication Series on Promoting Democracy under Conditions of State Fragility. Issue 1: Afghanistan* (Berlin: Heinrich Böll Foundation, 2006). [http://www.boell.de/downloads/asien/afghanistan\\_en.pdf](http://www.boell.de/downloads/asien/afghanistan_en.pdf).

of *masculinity* being defined exclusively through violence, the carrying of guns and “macho” behaviour.<sup>174</sup> PSC staff does not demonstrate/represent alternative role models such as the significance of education, economic success, non-violent leadership, etc. Given the importance of guns in the definition of manhood among Pashtun men, more detailed research on the impact of the war, militias and PSCs on gender role definitions in Afghanistan needs to be conducted.<sup>175</sup>

Another critique raised during focus group discussions was the treatment of female staff working with PSCs. Examples of sexual harassment (the word “sexual persecution” was used in the translation) were given.<sup>176</sup> Western observers also made linkages between the growing PSC sector and a simultaneous growth of prostitution in Kabul.<sup>177</sup> Even though merely individual PSC staff might be currently using such services, rather than PSCs being involved in this business,<sup>178</sup> the 2003 sex-trade scandal in Bosnia might still influence such assessments. In Afghanistan, where prostitution is not legal, and often linked to the smuggling of humans, the effects of PSCs using such establishments are particularly sensitive. Awareness courses, tight monitoring mechanisms, and appropriate complaints mechanisms should be considered by PSC, both for local and international staff alike.

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<sup>174</sup> Focus group discussions in Kabul, 28 and 29 March 2007.

<sup>175</sup> It is important to note that the concern of focus group participants lies with the use of military weapons. The ownership of hunting weapons is an important part of manhood, especially for Pashtuns.

<sup>176</sup> Focus group discussion, Kabul, 4 June 2007.

<sup>177</sup> Interviews with UN officials and western diplomats, Kabul, March 2007. See also Giustozzi 2007.

<sup>178</sup> Interview with western diplomat, 24 March 2007.

## 5 Conclusion

This chapter has highlighted the concerns of the Afghan civilian population regarding PSCs operating in Afghanistan, echoed by representatives of the Afghan government and the international community. It is important to emphasize that while many of the perceptions of the local population and other actors in Afghanistan are possibly based on fears, rumours and single anecdotes, it has created a reality in Afghanistan where PSCs are seen in a negative light. The following concerns raised deserve to be re-emphasised:

First, the reported difficulty to clearly distinguish between different security actors in Afghanistan creates a sense of vulnerability among those interviewed, as to whom they are dealing with. This was enhanced by perceptions that local strongmen were using PSCs as a front in order to stay in power and legitimise keeping their militia. The latter was even considered as potentially threatening to the weak Afghan state, including fears of renewed conflict.

Second, even though Afghans who participated in this study acknowledged that internationals and wealthy businessmen needed protection in Afghanistan, there is perceived resentment against security becoming a commodity of the rich. Furthermore, many focus group participants felt that PSCs had a negative impact on the security in the neighbourhoods they worked in, due to bad behaviour of PSC staff, their heavy armament and the increased exposure to insurgency attacks and criminal gangs.

Third, the perceived high cost of private security was also criticized as diverting needed reconstruction funds back to the countries needing PSCs to begin with. Even though it was acknowledged that PSCs could make a positive contribution to unemployment by providing jobs for low-skilled labour and previous militia fighters, the Afghans who participated in this study felt that PSCs could improve on salaries paid, hiring practises, quality of training and supervision of staff.

Finally, the unregulated state regarding PSCs in Afghanistan was considered a major problem; one that has haunted other parts of the state-building exercise in the country as well. Regulations on PSCs in insecure environments need to especially consider how weapons can be obtained legally and transparently. In general, weak (state) structures and institutions, as they exist in Afghanistan, allow various kinds of entrepreneurship to flourish, which are not all necessarily good. This is an inherent problem of an unregulated market environment that does not possess the structures to assure transparency and create checks and balances. Best business models, not necessarily best practice models tend to thrive in such situations.

Furthermore, unregulated environments have a tendency to encourage bad behaviour and push responsibility and accountability off to others - as they leave it up to the individual and individual organizations to use their own ethics in observing best practises. As the study demonstrated, it is often the PSCs themselves that try to pass accountability on to their clients for enforcing best practise and supervising bad behaviour or the local host government for passing and enforcing local regulations.

Bad practises, however, are not only a problem for local populations that suffer from the uncontrolled actions of PSCs, but can also reflect poorly on other actors. First it can provide a bad image to military actors in the country that are often associated with PSCs. Second, it reflects poorly on the international community which, in the eyes of Afghans who participated in this study, seems to care little about bad practises from PSC coming from their countries. Finally, a few bad PSCs can spoil the image of the entire private security sector, including reputable companies providing solid services. Thus, everybody, including PSCs could benefit from a transparent and regulated environment.

# Case Study Angola

Lisa Rimli

## 6 Introduction

Angola is emerging from a decades-long civil war (1975-2002) that followed the liberation war against colonial rule (1961-1975). The military peace established in 2002 through the Memorandum of Understanding with the former rebel group União Nacional para a Libertação Total de Angola (UNITA)<sup>179</sup> in Luena<sup>180</sup> was the result of a military victory by the government forces. The Memorandum of Luena has proven to be the most durable in the history of Angola, after two previous peace processes derailed (Bicesse 1991-92 and Lusaka 1994-98). Consequently, the demilitarization and demobilization process of approximately 105,000 former UNITA combatants was accomplished quickly. However, despite an overall stable military situation since 2002, several risk factors persist: For example, a low-intensity armed separatist conflict is ongoing in the enclave of Cabinda, despite a peace agreement reached in 2006. Additionally, efforts towards the socio-economic reintegration of demobilized combatants have, by and large, been insufficient, while a high number of small arms and light weapons remnant from the war continues to circulate in the hands of civilians. Furthermore, five years after the end of the civil war with UNITA, the majority of the population remains without a tangible social peace dividend. Angola was ranked as a complex humanitarian emergency for more than a decade. By 2006, international humanitarian aid operations were almost entirely phased-out, marking the end of a large-scale return movement of an estimated 470,000 former refugees from neighbouring countries and the resettlement of an estimated four million internally displaced. Yet, despite soaring oil prices, rising oil production and a post-war reconstruction boom contributing to staggering economic growth rates,<sup>181</sup> human development indicators for Angola continue to be among the lowest worldwide.<sup>182</sup> Thus, socio-economic grievances from a large part of the population and the prevailing culture of fear, violence and impunity remain largely unaddressed in the society.

During the civil war, commercial military entrepreneurs commonly designated as “mercenaries” and private security companies (PSCs) were contracted for combat and training missions by UNITA as well as by the government forces. Both sides were also supported by foreign armed forces, including battalions of the Cuban and South African armed forces before the first Peace Accords of Bicesse in 1991. As an operational ground for the South African company Executive Outcomes (EO), Angola was one of the first countries in the early 1990s, where the emergence of military corporate business entities with an apparent link to mineral interests was observed. However, the privatization of security early on also became a domestic phenomenon, as a consequence of the increasing commercial involvement of military officials and foreign actors in the diamond and private security sector.

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<sup>179</sup> National Union for the Total Independence of Angola.

<sup>180</sup> The so-called Luena Memorandum signed in Luena, Angola.

<sup>181</sup> According to the International Monetary Fund (IMF) 18.6% in 2006 and an projected 23% in 2007. IMF. 2007. Public Information Notice, No. 07/115, 19 September 2007.

<sup>182</sup> According to the UNDP Human Development Index 2006, Angola is ranked 161 from 177 countries.

The private security business in Angola has survived five years of an overall militarily stable peace since 2002. While the involvement of PSCs and “mercenaries” during Angola’s civil war has gained much attention from researchers in the late 1990s,<sup>183</sup> research remains scarce on Angola’s private security industry since 2002. There is some evidence that the nationally regulated and predominantly domestically-owned private security sector has expanded and diversified, while the few foreign PSCs that are still operating in the country tend to keep a low profile.

When looking at local perceptions of the impact of private security companies, one has to bear in mind that PSCs have coexisted with a wide range of public and paramilitary armed forces that were actively involved during the civil war, often committing serious human rights violations with impunity. Despite ongoing government reform efforts to re-train and transform the public security forces into professional, non-partisan entities, adapted to an environment of peace, human rights violations continue to occur and the problem of impunity remains largely unchallenged.<sup>184</sup> Apart from the National Police, the Angolan Armed Forces (FAA), the Military Police, the paramilitary Rapid Intervention Police and the Presidential Guards Unit, other (at least partly) armed forces continue to exist, such as the Organization of Civil Defence (ODC).<sup>185</sup> The manpower of all these forces has never been officially disclosed. Transparency and accountability of Angola’s public security forces continues to be limited and their relationship with the citizens marked by distrust.<sup>186</sup> Hence, the perceptions of Angolan civil society organizations as the eight interviewed for the present study (see Main introduction) on the impact of private security companies need to be understood within the broader context of post-conflict challenges for the security sector as well as its war history, which may influence how PSCs are perceived.

<sup>183</sup> See for example: Jakkie Cilliers and Peggy Mason (eds.), *Peace, Profit or Plunder. The Privatisation of Security in War-Torn African Societies* (Institute for Security Studies, 1999). Jakkie Cilliers and Christian Dietrich (eds.), *Angola’s War Economy* (Institute for Security Studies, 2000). Abdel-Fatau Musah and J. ‘Kayode Fayemi (eds.), *Mercenaries. An Africa Security Dilemma* (Sterling: Pluto Press, 2000).

<sup>184</sup> For instance, mechanisms for citizen’s complaints established by the police since 2003 have apparently not been effective so far. Amnesty International, “Above the Law. Police Accountability in Angola” (2007). For an earlier regional survey including Angola see: Amnesty International, “Policing to protect human rights. A survey of practice in countries of the Southern African Development Community, 1997-2002” (2007).

<sup>185</sup> This former militia of the ruling party Movimento Popular de Libertação de Angola (MPLA) was legalized in 2002 under the Defence Ministry. Despite sporadic affirmations by government officials that these forces have been or are being demobilized, the state budget of 2007 still includes funding for the ODC.

<sup>186</sup> According to a survey published by the International Republican Institute in 2004, citizens regard the public police as the least trustworthy institution in the country. Quoted in David Sogge, “Angola: Global ‘Good Governance’ also needed,” FRIDE Working paper, 23 (2006), p. 12.

## 7 The national regulatory environment

One of the remarkable features of the private security sector in Angola and a clear distinction to Afghanistan is the early existence of a national legal framework. Nevertheless, the Law on Private Security Companies (19/92)<sup>187</sup> issued by the Angolan government in 1992 is rarely referred to in recent literature covering national regulatory frameworks for private security companies in the African continent. This law was adopted during the first, short-lived peace process of Bicesse (1991-92) in the sequence of economic reforms heralding the transition from the centralized state economy to a market economy, which were initiated in the late 1980s.

The law targets private security companies that offer the following services: Personal protection, industrial and commercial surveillance, transport of value goods as well as the commercialization and installation of technical security equipment in residences, commercial, industrial and service establishments.<sup>188</sup> Thus, the law only mentions services typically offered by private security companies, while omitting other areas of activities in the military and defence realm. Hence, it remains unclear under which regulatory framework those companies have been operating in Angola that offer a wider range of services including military training, air surveillance or intelligence. In the following sections, the provisions of the law on private security companies will be presented, as well as the ones included in the specific legal framework for the diamond sector regarding private security.

### 7.1 The Law on Private Security Companies (19/92)

Among the noteworthy features of the Law 19/92 are its provisions concerning the relationship between private and public security forces. The role of private security companies is defined as “subsidiary” to the public security forces (Art. 1,2). Mechanisms of control and monitoring by the state are mentioned: Private security companies are subject to authorization by the Ministry of Interior (Art. 17,1) and supervision by the General Commander of the National Police (Art. 22,1). “Activities of private security companies that may collide with the performance of the duties of security or protection forces and services of the state”<sup>189</sup> are banned (Art. 4,2). Furthermore, private security companies have a “special duty” to “inform the judicial or police authorities of any public crime they have knowledge of when on duty” (Art. 15,a); to “avoid that the actions of their staff might be confounded” with the action of the public security forces (Art.15, b); to regularly present an inventory of arms, munitions and staff to the General Commander of the National Police (Art. 15, c-d); and to “collaborate fully with the judicial and police authorities when demanded” (Art. 18).

Requirements for the staff of PSCs include proven lack of a criminal record, accomplished military service and Angolan nationality (Art. 10). PSC staff is allowed to use and bear “defensive” firearms and is obliged to undertake regular arms use training (Art. 11). In addition, the staff is obliged to wear uniforms “in all circumstances in which they exercise their duties” (Art. 12). Particularly the requirement of staff having to be of Angolan nationality implies a strong constraint for foreign PSCs, de facto restricting them to operate in the country.

<sup>187</sup> See original publication in the state gazette in appendix IV. The law will also be made available on the website of the Geneva Centre for the Democratic Control of Armed Forces (DCAF).

<sup>188</sup> Law 19/92, introductory paragraphs.

<sup>189</sup> All translations from Portuguese in the current and following sections are under the responsibility of the author.

Remarkably, the law also contains direct provisions regarding the behaviour of private security companies towards the local population. Thus, PSCs are prohibited to “install security systems that may directly or indirectly endanger the life or physical integrity of the people” (Art. 4,1) as well as to “install technical equipment or carry out services that may offend or threaten the physical or moral integrity and the fundamental rights of the citizens” (Art. 4,2).

## 7.2 The Diamond Laws (16/94 and 17/94)<sup>190</sup>

There is another set of laws with relevant provisions on private security companies, the so-called Diamond Law (16/94) and the Law on the Special Regime in Diamond Reserve Zones (17/94). After the Lusaka peace agreement in 1994<sup>191</sup>, the government enacted the Diamond Law (16/94) in order to regulate the allocation of diamond concessions in areas defined as “restricted” and “protection zones”. The law aimed at restoring state control of the diamond areas, where the rebel army UNITA continued to explore alluvial diamonds, and which had become a magnet for diamond miners from neighbouring countries.

The Diamond Law 16/94 obliged the concessionaires to provide for their own security in these areas (Art. 23). It authorized private security companies contracted by diamond concessionaires to survey and monitor the transit of people and goods in order “to prevent residence, transit, the exercise of any economic activity and the access of people and goods” as well as “any activity of non-authorized diamond prospecting, research, reconnaissance and exploration” in the concession areas (Art. 24).

The law also defined a role division between the state and PSCs, however in rather vague terms: Oversight of alluvial diamond production was attributed to both concessionaires and the state-owned diamond company Endiama (and hence hired PSCs) while the National Police continued with overall powers in all areas (Art. 23), and the “prevention of illicit diamond traffic” remains under the responsibility of the State (Art. 24).

With the Law on the Special Regime in Diamond Reserve Zones (17/94) enacted subsequently, two diamond-rich provinces, Lunda Norte and Lunda Sul, were integrally declared as restricted areas. More precisely, concession sites were declared “restricted zones”, their surrounding buffer areas became “protected zones” and literally everything else not yet occupied by a restricted or protected zone in Lunda Norte and Sul was declared as “reserve zone”. This law institutionalized for all three zones restrictions of the freedom of movement, settlement and economic activities including agriculture and fishing, thus virtually depriving the local population of alternatives for survival to alluvial diamond mining.

According to Law 17/94, PSCs were attributed the role of subsidiaries to the police virtually in the whole area of the two provinces:

“The National Police are responsible for surveillance and control of persons and goods in the reserve zones; however, the Ministry of Interior may authorize according to the law that specialized security companies support the police and collaborate in their actions of surveillance and control.” (Art. 18)

<sup>190</sup> The diamond laws 16/94 and 17/94 as well as other relevant national legislation concerning diamond mining in Angola can be downloaded in Portuguese at: <http://www.endiama.co.ao/legislacaomineira.php>.

<sup>191</sup> The so-called Lusaka Protocol signed between the Government of Angola and UNITA in Lusaka, Zambia.

The Diamond Laws institutionalized an overall restricted regime for the local population in the diamond areas and especially the Lunda provinces. Thus, the provisions contained in the law on private security companies assuring the protection of the local population were practically outweighed.

### 7.3 Implementation and self-regulatory approaches

The implementation of the law on private security companies has been limited and selective. The law has provided a general framework for PSCs to be established and registered in Angola. It has been used by the government to grant the recruitment of Angolan staff also by foreign companies operating in the sector, and has provided opportunities for senior officials to become important stakeholders in the business. The use of specific uniforms by private security guards has become widespread, thus assuring a visible distinction from the police. However, regulations to the law to define detailed criteria for implementation concerning a series of important aspects were never passed. For instance, neither minimum standards for training of staff nor an operational definition of “defensive” firearms, or minimum conditions for company registration or effective monitoring mechanisms were established.

This neglect may partly be due to the resumption of civil war in late 1992, which endured until the Luena Memorandum of 2002 and was only interrupted by a “no peace no war” period during the Lusaka peace process (1994-98). This particularly threatening setting for the Angolan government following the renewed flaring up of civil war in 1992 changed the perspective of a post-conflict context in which the legislation had been passed. Implementation was apparently neither feasible nor desired, especially since foreign PSCs such as Executive Outcomes played an important role in training and operationally assisting the government forces to secure strategic oil installations from rebel threats as well as to re-conquer the diamond areas.

Nevertheless, already during the civil war, the lack of state control over the private security industry reportedly became a matter of concern to the police, with senior police officials voicing complaints off the record.<sup>192</sup> Since the Luena Memorandum of 2002, also local media have increasingly echoed negative reports on PSCs and the National Police has publicly expressed its growing uneasiness with illegal activities of PSCs since 2005, pushing for effective implementation of the law. Among the issues of main concern voiced by the police were criminal activities of security guards, the type of arms used, the use of un-registered firearms and insufficient training of staff.<sup>193</sup> Colliding activities of PSCs with the public security forces were another major issue of concern raised by the police. At a meeting with representatives of PSCs in February 2006, the General Commander of the National Police, José Alfredo Ekuikui accused them of banning the police from having access to places they are entitled to inspect, such as ports, airports, commercial aircrafts and ships.<sup>194</sup>

In January 2006, the General Commander of the National Police even announced the immediate suspension of PSC registration requests at the national level and the enforcement of sanctions against transgressors. He further signalled that a programme was to be elaborated by the National Police to strengthen supervision over private security companies:

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<sup>192</sup> Alex Vines, “Mercenaries, Human Rights and Legality,” in Abdel-Fatau Musah and J. ‘Kayode Fayemi (eds.), *Mercenaries. An Africa Security Dilemma* (Sterling: Pluto Press, 2000), p. 186.

<sup>193</sup> Affirmations by Lisboa Santos, director of Public Order of the National Police, quoted in LUSA, 28 April 2005, and by José Alfredo Ekuikui, General Commander of the National Police, quoted in *Jornal Apostolado*, 27 January 2006. *Jornal de Angola*, “Segurança privada preocupa polícia,” 28 January 2006.

<sup>194</sup> *Jornal de Angola*, 2 February 2006.

"This programme shall among other measures provide for the structuring of the private security division, an instrument that shall scrupulously manage the performance of private security companies and create conditions to adjust sanctions for infractions of the Law of 1992 to the current value of the national currency."<sup>195</sup>

A revision of the legal framework applying to PSCs has reportedly been discussed in the National Defence Council for some years.<sup>196</sup> However, similar to other legal review processes in Angola, the proceedings that presumably aim at drafting implementing regulations (regulamento) to the law 19/92 have been slow and secretive.<sup>197</sup> The government of Angola has also recently announced a revision of the Diamond Laws. The Angolan President in late 2006 created a Technical Commission for this purpose.<sup>198</sup> These efforts are apparently related to the government's drive to increase state revenues in the diamond sector and to reinforce Angola's position as a leading diamond producer. For different reasons, opposition parties have also been demanding such a revision, namely the Party of Social Renewal (PRS) that has a strong regional basis in the Lunda diamond provinces. However, the review process remains largely secretive, and its current stage can so far not be established.<sup>199</sup>

Overall, it appears that members of the public security sector, such as the General Commander of the National Police, have been the main drivers for reform and stronger implementation of the law on private security companies, despite a lack of effective support from political decision-makers on the public security sector.<sup>200</sup> As will be discussed in section 9.1, conflicts of interest arising from the ownership of important PSCs by senior officials are largely perceived to be a major obstacle to the effective implementation of the law and other reforms to enhance transparency and accountability of the private security sector.

In recent years, PSCs have apparently started to consider self-regulated standards setting. However, such an initiative has not materialized so far, for reasons that can only be speculated about. According to Francisco Borges Guerra, the general director of Alfa 5 - one of the most influential Angolan PSCs - , the establishment of an association of PSCs has been on the cards for some time and promises to solve the most pressing issues regarding the quality of services and training:

"Once the association starts working, the scenario will be completely different, for the better. There will be a model for staff recruitment tests to apply and vocational training will be regulated with a curriculum... The future association will also take other measures: sanctions, incentives, stimuli. The

<sup>195</sup> Quoted in Jornal Apostolado, 27 January 2006. Jornal de Angola, 28 January 2006.

<sup>196</sup> Information provided by senior police official in 2005 quoted in field notes for an unpublished report by Ana Leão, researcher of the Institute for Security Studies (ISS) in Pretoria, who conducted a survey on small arms in Angola in 2005. The National Defence Council, chaired by the President, includes the Prime Minister, the Ministers of Defence, Interior and Foreign Affairs and the Head of the General Chief of Staff of the Angolan Armed Forces.

<sup>197</sup> Angolan NGOs working on the civilian disarming process and related issues seem to be uninformed about the current stage of the process (interviews with Angolan civil society organizations, May to June 2007). The Ministry of Interior has not responded to information requests from the author.

<sup>198</sup> Comissão Técnica para a Revisão da Legislação Mineira (CTRLM).

<sup>199</sup> Interview with UN official, June 2007.

<sup>200</sup> Email correspondence with Ana Leão, ISS, September 2005.

police are making huge efforts in the sense to help, but it is evident that this is not an activity under the responsibility of the police. There has to be a technical body, while the police establish the more general guidelines for the development of activities in Angola.”<sup>201</sup>

Several large PSCs, including Teleservice and Alfa 5 among others,<sup>202</sup> allege conducting rigorous trainings of their staff, some in company-owned training centres. Yet, in the absence of self-regulatory standards, detailed regulation and effective monitoring, the quality and effects of such trainings remain questionable. In particular, it is unclear how these trainings have influenced the behaviour of employees towards the civilian population, especially in regions where law enforcement capacities are weakest. Upon the request of the National Police, the UN Office of the High Commissioner for Human Rights (OHCHR) in Luanda conducted in 2006 human rights trainings designed for the police for PSC employees of in the provinces of Lunda Norte, Soyo (Zaire) and Bié provinces.<sup>203</sup> However, more political will is needed to sustain such efforts.<sup>204</sup>

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<sup>201</sup> Francisco Borges Guerra, interview in World Investment News, 6 July 2005.

<sup>202</sup> For example Securitas of Angola, Copebe, Ango Patrulha and Mamboji. See eBizguides Angola sponsor list 2006: <http://www.ebizguides.com/guides/sponsors/country.php?country=17>.

<sup>203</sup> Information from UN official, March 2007.

<sup>204</sup> Interview with UN official, June 2007.

## 8 Profile of the private security sector in Angola

### 8.1 Emergence during the 1990s

The development of the private security sector in Angola is overall linked to the commodities oil and diamonds and can be characterized by two major processes: Firstly, the appearance of foreign PSCs in the country in the early 1990s; secondly the end of the civil war and the rapid growth of domestic PSCs, accompanied by a drop in the number of foreign companies.

With the resumption of the civil war in 1992, new foreign actors emerged in the private security business in Angola, such as the South African company Executive Outcomes (EO). EO has insistently denied that their contracts were paid with mineral concessions. However, according to researchers, EO's operation in Angola from 1993 to 1996 was brokered by Anthony Buckingham from Heritage Oil and commissioned by the Angolan government and earned the company mineral concessions. The financial benefits from this operation allowed EO to establish a private army embedded in a highly diversified corporate structure, which apparently survived its ban by the South African government in 1999.<sup>205</sup> EO reportedly mainly served as a "force multiplier" of the Angolan Armed Forces in order to enhance their effectiveness by conducting military training; however their claim to have been key in forcing UNITA to the negotiating table appears "rather inflated" to some researchers.<sup>206</sup> The Angolan government reportedly also contracted other PSCs for deployment in the mining areas held by UNITA, such as IDAS (International Defence and Security Resources) based in the Dutch Antilles.<sup>207</sup>

The Lusaka peace agreement of 1994 between the Angolan government and UNITA prescribed the "repatriation of all mercenaries",<sup>208</sup> but it was only in 1996 that the Angolan government, upon pressure from the United States and the United Nations, ordered the remaining personnel of EO to withdraw. A series of EO-linked companies reportedly continued to be active in Angola's economy and South Africans took up operational management positions of PSCs mainly owned by senior government and military officials.<sup>209</sup> The second demilitarization and demobilization process after 1994 and the entry of foreign diamond mining companies into Angola favoured the private security business, and particularly the companies owned by Angolan senior officials from which some also held diamond concessions.<sup>210</sup>

Within a few years, PSCs with Angolan shareholders managed to get hold over a major share of the private security market in Angola. The Angolan government in 1998 expelled the UK-based Defence

<sup>205</sup> Khareen Pech, "Executive Outcomes - A corporate conquest," in Jakkie Cilliers and Peggy Mason (eds.), *Peace, Profit or Plunder. The Privatisation of Security in War-Torn African Societies* (Institute for Security Studies, 1999), pp. 81-109.

<sup>206</sup> Alex Vines 2000, p. 174.

<sup>207</sup> Kevin O'Brian, "Military-Advisory Groups and African Security: Privatised Peacekeeping?," *International Peacekeeping*, 5:3 (1998), pp. 78-105. IDAS later entered into a joint venture with the state-owned diamond company Endiama and transformed into a diamond company, IDAS Mining Resources Inc., today a wholly Angolan subsidiary of the Vancouver-based diamond company Adastra Minerals Inc. (formerly American Mineral Fields). See Partnership Africa Canada. 2004. *Diamond Industry Review Angola*, p. 6.

<sup>208</sup> Lusaka Protocol, Annex 3, Specific Principles relating to the Reestablished Cease-fire, 6., see [http://www.usip.org/library/pa/angola/lusaka\\_11151994.html](http://www.usip.org/library/pa/angola/lusaka_11151994.html).

<sup>209</sup> Pech 1999, p. 91.

<sup>210</sup> Christian Dietrich, "Power struggles in the diamond fields," in Jakkie Cilliers and Christian Dietrich (eds.), *Angola's War Economy* (Institute for Security Studies, 2000), p. 177.

Security Limited (DSL) - once one of the best established PSCs in Angola - on the grounds of non-compliance with the law that requires staff to be Angolan. According to Vines (1999) DSL had failed to nationalize their staff and, above all, to find a strong government patron.<sup>211</sup>

The UN diamond embargo passed in 1998 against the diamond trade with UNITA and the Conflict Diamond Campaign launched by International NGOs leading to the Kimberley Process in 2000, focused on curbing the illegal diamond trade dominated by the rebel army UNITA to sustain their war effort. In 2000, the Angolan government established a new diamond monopoly structure, the Angola Selling Corporation (Ascorp), to boost state revenue from diamonds and to prevent diamonds that were mined by UNITA from entering the market. According to Dietrich (2001), Ascorp was set up with commercial partners linked to the entourage of the Angolan president, as well as key figures of the Israeli private security industry, illustrating how closely the private security industry and the mining sector were and still are entangled with each other.<sup>212</sup>

While foreign PSCs were common since the early 1990s, only a few have remained in Angola or have set up new businesses after the expulsion of DSL. As it seems, after the military elites and senior government officials took hold of the private security market in Angola, international PSCs were only able to compete in highly specialized and less visible areas of activity in the private security and military sector.

## **8.2 Expansion since the Luena Memorandum of 2002: Overview of PSCs working in Angola**

In the post-conflict environment prevailing after the Luena Memorandum of 2002, the private security sector has further expanded. In 2000, estimates on the number of PSCs in Angola ranged from 90 to 150.<sup>213</sup> However, according to official numbers of the National Police in 2004, 307 PSCs were operating in Angola, 140 registered and 167 with pending registration procedures.<sup>214</sup> Moreover, the total workforce of the mentioned companies was estimated to be 35,715, and the known stock of light arms and weapons comprised about 12,087, leading to a rough ratio of only 0.3 weapons per PSC employee (in comparison to an estimated 3.5 weapons per staff member in Afghanistan).<sup>215</sup> In fact, compared to estimated numbers of PSCs in other African countries, the number of PSCs in Angola appears relatively modest, but possesses a relatively high number of staff.<sup>216</sup> However, a comprehensive list of the registered companies and number of staff has not been published. Thus, it cannot be established whether those companies with activities that are not covered by the Law on private security companies (such as military training, air surveillance etc.) are included in the list.

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<sup>211</sup> Vines 1999, pp. 135f.

<sup>212</sup> Christian Dietrich, "Have African-based Diamond Monopolies Been Effective?" Central Africa Minerals and Arms Research Bulletin, International Peace Service (2001).

<sup>213</sup> Estimates from Vines 2000, p. 186. Gen. Agostinho de Matos (Alfa 5). Sapo especial, Angola 25 anos, 18 November 2000 (no longer accessible on the internet).

<sup>214</sup> LUSA, "Luanda tem 307 empresas de segurança privada," 19 May 2004. LUSA, "Empresas de segurança privada controlam 7.600 armas de diversos calibres," 28 April 2005.

<sup>215</sup> Ibid.

<sup>216</sup> According to Abrahamsen and Williams, Nigeria has approximately 1,200 PSCs with 100,000 employees, and Kenya 1,200 PSCs with 48,000 employees. (Rita Abrahamsen and Michael C. Williams, "The Globalisation of Privatised Security. Country Report Nigeria" (2005). Rita Abrahamsen and Michael C. Williams, "The Globalisation of Privatised Security. Country Report Kenya" (2005). Abrahamsen / Williams 2006, p. 14, p. 6.

Several factors from the demand and supply side account for this post-war boom of PSCs in Angola. Growing post-war business opportunities for national and foreign companies have increased demand for private security to efficiently protect persons, assets, facilities and residences, since the national police forces are not able to guarantee security. Secondly, levels of violent crime - although relatively low compared to other African cities - have gradually risen especially in Angola's capital, Luanda. This trend appears to be linked to the continually increasing gap between the poor majority living on less than USD 2 a day and a wealthy small elite in the capital. Thirdly, large stockpiles of arms left over by the war continue to circulate and incentives for civilians to voluntarily hand in arms to the police have been insufficient due to lack of trust in a mostly inoperative justice system and ineffective policing. This has all led to an increased perception that armed protection is necessary. Fourthly, after the Luena Memorandum of 2002, another 105,000 combatants from UNITA were demobilized, adding to 193,000 demobilized soldiers and combatants from the two previous peace processes of 1991 and 1994.<sup>217</sup> This boosted the supply of cheap labour forces with military training and war experience. Finally, poor enforcement of registration procedures has facilitated the multiplication of small PSCs catering to the growing market.

The geographical concentration of PSCs is remarkable: According to police figures from 2005, 90% of the PSCs in Angola were operating in Luanda and only 10% in the other 17 provinces of Angola.<sup>218</sup> In 2005, for instance, research by the Institute of Security Studies on small arms in Angola found that even in major towns in Bié - one of the provinces most severely affected by the conflict - most respondents in focus group interviews had no knowledge of the existence of PSCs.<sup>219</sup> Additional to Luanda, the diamond areas in Lunda Norte and Lunda Sul as well as the onshore oil installations in the enclave of Cabinda and in Soyo (Zaire province) have long presented another major focus for PSCs. However, in the course of the reconstruction boom and the expansion of businesses, such as banking outside the capital and formal diamond mining outside the major diamond fields in Lunda Norte and Lunda Sul, PSCs have gradually expanded their activities to other provinces, following clients in need of protection across Angola.

As mentioned above, Angolan senior officials gradually secured a major share of the profits in the private security business in Angola in the course of the 1990s. However, accurate data on the shifting ownership structure and the initial and current relationship of these PSCs with foreign, mostly South African companies remains difficult to obtain. Additionally, websites with updated company information of the domestic private security sector including the services offered are very much the exception rather than the norm, and according to Angolan company laws disclosure of shareholders is not entirely obligatory.<sup>220</sup>

The following is a description of the main domestic PSCs operating in Angola that supposedly have secured the most lucrative contracts:

**Teleservice** Sociedade de Segurança e Serviços Lda, legally established in 1993 under majority ownership of senior or retired army officials, began to operate in 1995 and today has contracts with

<sup>217</sup> João Gomes Porto, Imogen Parsons, and Chris Alden, *From Soldiers to Citizens. The Social, Economic and Political Reintegration of UNITA Ex-Combatants* (Institute for Security Studies, Monograph N° 130, 2007), p. xvi.

<sup>218</sup> Quoted in field notes from Ana Leão, ISS, 2005.

<sup>219</sup> Field Notes from Ana Leão, ISS, 2005.

<sup>220</sup> For example, shareholders of *Sociedades por Quotas, Limitada* are not required to be disclosed; it is optional for *Sociedades anónimas de Responsabilidade Limitada*, SARL. Renato Aguilar, "Angola - Reaping the Benefits of Peace?," Sida Country Economic Report, 5 (2004), p. 33.

the state-owned oil company Sonangol and the multinational oil companies Chevron-Texaco, Total, Norsk-Hydro, Esso, Petromar and Halliburton. Beyond this, Teleservice also holds contracts with diamond companies in Lunda Norte.<sup>221</sup> The company was advised by the South African PSC Gray Security Services, a company that was absorbed in 2000 by Gray Securicor, which recently merged with Group 4, to become one of the world's largest security services providers, Group 4 Securicor. In 2001, Teleservice claimed to employ the highest number of security guards in Angola, 2,400.<sup>222</sup>

**Alfa 5** Segurança Industrial e Patrimonial SARL, also registered in 1993, is owned by the state-owned diamond company Endiama (30%) in partnership with shareholders that are also senior or retired military officials or their close relatives.<sup>223</sup> The company holds over half of the security contracts with diamond companies. In 2000, the company confirmed to have over 2,000 employees.<sup>224</sup>

**Mamboji** SARL,<sup>225</sup> another Angolan private security company established in 1995 with alleged links to the former company Executive Outcomes, operates in commercial de-mining and industrial protection services in the diamond areas in several provinces in Angola. Mamboji has since 2002 extended its activities to the Republic of the Congo where it provides security training to private and public security forces, allegedly within the bilateral cooperation framework between Angola and the Republic of the Congo. The latter activity clearly does not fall under the tasks allowed to PSCs by law. In 2005, the company stated to be employing 4,000 security guards.<sup>226</sup>

While Teleservice, Mamboji and Alfa 5 have long been the most important PSCs in Angola, there are a series of other PSCs registered in Angola with senior government and military officials as alleged main shareholders.

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<sup>221</sup> Teleservice Ltd has among its shareholders Gen. António França Ndalú, Gen. João Baptista de Matos, former head of the general chief of staff of the Angolan Armed Forces, Gen. António Faceira, former commander of special forces of the Angolan Armed Forces, Gen. Armando da Cruz Neto, former head of the general chief of staff of the Angolan Armed Forces and Gen. Paulo Pfluger Barreto Lara, also former senior FAA official. (See: Rafael Marques, "Operation Kissonde. The diamonds of humiliation and misery," Cuango, Lunda Norte, Angola (2006), pp. 61f.

<sup>222</sup> Henrique Morais, general manager of Teleservice, interview in World Investment News, 30 March 2001. No current numbers of staff are provided publicly.

<sup>223</sup> Alfa 5 SARL includes among its shareholders the wife of Agostinho Nelumba "Sanjar", the current deputy Defence Minister (and former head of the chief of staff of the Angolan Armed Forces), and the brother of João de Matos, also a former head of the general chief of staff of the Angolan Armed Forces (Marques 2006, pp. 28f).

<sup>224</sup> Interview with Gen. Agostinho César de Matos. Sapo especial Angola 25 anos, 18 November 2000 (no longer accessible on the internet). No current numbers are publicly provided by the company.

<sup>225</sup> Allegedly owned by Fernando Dias dos Santos "Nandó, the current Prime Minister (and former Interior Minister).

<sup>226</sup> Angop, "Empresa Mamboji forma quadros congolezes na área de segurança," 3 May 2005.

**V.S.S.B.** - Vigilância e Sistemas de Segurança Bancária SARL, established in 2002, holds the private security company K&P Mineira that operates for the state-owned company Sodiam and the Ascorp in the diamond sector. The shareholders of V.S.S.B. are mostly senior officials of the police.<sup>227</sup>

Other well-known PSCs owned by senior government officials include **Ango Segu Lda**,<sup>228</sup> **Copebe Security Service Angola Lda**<sup>229</sup>, **Alerta Lda**<sup>230</sup> and **AP Services SARL**. The latter, established in 2000, has expanded very quickly, with 1,700 employees in 17 provinces in 2005, and a wide range of activities, including construction and transport business, as well as copper in Uige province.<sup>231</sup>

Apart from the domestic companies, a few foreign companies continue to be active in Angola's private security sector. With one exception from the US, most appear to be Israeli PSCs who have been operating in Angola since the early 1990s and remain well connected.

The Israeli company, **LR Avionics**<sup>232</sup> is reported to have been active in both civil and military security projects. LR Avionics provided radar systems used by the Angolan Armed Forces to detect diamond smuggling flights on behalf of UNITA, and in 2001 received a USD 30 million contract for a comprehensive security package for the Angolan president José Eduardo dos Santos.<sup>233</sup> According to Human Rights Watch, LR Avionics also engaged in arms procurement through Slovakia on behalf of the Angolan government in 2001.<sup>234</sup>

Another focus for foreign PSC activity has been the oil-rich enclave of Cabinda, where a low-intensity separatist conflict has been ongoing since 1975. In 1993, the Cabinda Gulf Oil Company (CabGoC), 39% of it owned by Chevron-Texaco, hired the US-based **Airscan Inc.**<sup>235</sup>, to provide air surveillance with unmanned Cessna 337 and train the security of the closed CabGoC compound in Malongo. Airscan's air surveillance operations in Cabinda were widely perceived to serve the Angolan Armed Forces in supporting their military cleansing offensive launched in October 2002

<sup>227</sup> V.S.S.B. SARL has among its shareholders Alfredo Ekuikui, former general commander of the National Police, Alfredo Eduardo Manuel Mingas Panda, former commander of the Rapid Intervention Police, Elias Dumbo Livulo, provincial commander of the National Police in Lunda Norte, Eugénio Pedro Alexandre, head of legal affairs at the general command of the National Police (Marques 2006, p. 45).

<sup>228</sup> Allegedly owned by Fernando Miala, the former head of the external intelligence services, General José Maria, the current head of the military intelligence service, and Santana André Pitra "Petroff", former Interior Minister and currently special adviser for political affairs of the President's Office. *Semanário Angolense*, "Da política para os negócios," 21 October 2005.

<sup>229</sup> Allegedly owned by Roberto Leal Monteiro «Ngongo», the current Minister of Interior, Hendrick Vaal Neto, former Media Minister, and Nelson Cosme, Ambassador at the Organization of Central African States (*Semanário Angolense*, 21 November 2005).

<sup>230</sup> Allegedly owned by Aníbal Rocha, provincial governor of Cabinda since 2002, and mainly operating in Cabinda. (International Consortium of Investigative Journalists (ICIJ), "Making a Killing. The Business of War," PMC database, November 2002. No longer accessible; last accessed in April 2003).

<sup>231</sup> Angolans Petroleum Services SARL, managed by Fernando Eduardo Manuel, retired official of the Angolan Armed Forces and former deputy Interior Minister. <http://www.apservices-online.com/empresa.htm>.

<sup>232</sup> Long Range Avionics Technologies Ltd.

<sup>233</sup> ICIJ 2002; another Israeli company, Levdan, allegedly also offered a security arrangement for the Angolan president, but the outcome of the project remains unknown (ibid).

<sup>234</sup> Human Rights Watch, "Ripe for Reform: Stemming Slovakia's Arms Trade with Human Rights Abusers," (2004), pp. 31f.

<sup>235</sup> <http://web.archive.org/web/19980207173333/www.airscan.com>.

against the separatist FLEC guerrilla from the Mayombe forest.<sup>236</sup> The company denied such accusations by stressing their contract with the state-owned oil company Sonangol and the Ministry of Fisheries in the environmental area.<sup>237</sup> However, in late 2003, Chevron-Texaco contracted the Israeli private military company **Aeronautics Defense Systems Ltd.** for unmanned air surveillance,<sup>238</sup> and it remains unclear whether Airscan ceased its operations in Cabinda and Soyo (Zaire) since. Apart from Aeronautics Defence Systems, other companies involved in air surveillance have been reported to operate in Cabinda, such as the Israeli **Silver Shadow Advanced Security Systems Ltd.**<sup>239</sup> However, due to the ongoing armed conflict and expanding on-shore oil production in Cabinda, information on the security arrangements of oil companies is considered as especially sensitive and hard to obtain.

Although this patchwork information on some PSCs in Angola does not allow for an analysis of the sector, what is still striking is firstly the predominance of domestic PSCs and the frequent ownership of PSCs by police and military officials; and secondly the large number of staff and the geographical concentration of their operations.

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<sup>236</sup> Interview with Rafael Marques, March 2003.

<sup>237</sup> Interview with Airscan official, March 2003.

<sup>238</sup> Afrique Energy Intelligence, "Aeronautics Defense Systems, Protecteur de Chevron," 29 October 2003. Aeronautics Systems Ltd has reportedly also been in business in Equatorial Guinea, Nigeria and Cote Ivoire. (See Haaretz, "Israeli firms to train Equatorial Guinea presidential guard," 3 June 2005). <http://www.aeronautics-sys.com>.

<sup>239</sup> <http://web.archive.org/web/20051215073202/http://www.silver-shadow.com/> (for December 2005). See also La Lettre du Continent, "Angola/Cabinda: Henrique Nzita Tiago," N° 520 21/06/2007.

## 9 PSCs and the local population in Angola

Since the Luena Memorandum of 2002, concerns on the impact of PSCs on the local population and the authority of the state have been widely acknowledged in Angola by senior police officials, the local media and civil society organizations. Local perceptions on the private security sector commonly refer to the domestic PSCs and their manned guarding services, while the few existing foreign PSCs seem to be rather invisible and less noticed by the public, being arguably a result of foreign companies being more active in highly specialised PSC-activities, such as air-surveillance that have less direct contact with local populations. The issues most controversial for the participants of this study are discussed below.

### 9.1 Ownership and conflicts of interest

The ownership of numerous Angolan PSCs by powerful senior military, police and government officials is widely perceived to be a key feature of Angola's private security industry, raising a series of fundamental concerns. Angolan civil society organizations find that such ownership patterns imply serious conflicts of interest in the security sector, which mirror the broader context of the concentration of political and economic power within the Angolan ruling elites. This concentration of power and wealth, which has accompanied the transition from a socialist to a market economy since the 1990s, has further deepened in the post-war era and is commonly seen as one of the root causes for social grievances prevailing in Angola.<sup>240</sup> The integration of senior military officials into the President's clientelist system has been a hitherto successful strategy to reduce incentives to change the political order. Since the end of the civil war with UNITA, the "generals" who made fortunes in the diamond business and military procurement, along with senior government members, have expanded their business interests to other lucrative sectors of the booming post-war economy, such as the construction and oil sector.<sup>241</sup> However, their stake in a sensitive area such as security continues to raise concerns within Angolan civil society.

According to a faith-based organization in Luanda, economic interests of powerful stakeholders in the private security industry are the main reasons for which the protection of government facilities is being assigned to PSCs rather than to the public security forces: "The same generals who as army members during the socialist era and the war were able to protect public buildings have since seized the idea to make security a business".<sup>242</sup> Thus, in the view of civil society organizations, public officials should be obliged to resign when situations of clear conflicts of interest arise, for instance when a government official is a shareholder of a PSC, which is contracted to operate in the geographical area under his supervision.<sup>243</sup> According to Marques (2006), local officials of the National Police in the Cuango region have admitted in private that the PSCs operating in the region were untouchable due to the high political status of their main shareholders, and due to orders coming allegedly straight from Luanda.<sup>244</sup>

Some civil society organizations and opposition parties have voiced specific concerns on the partisan nature of the role, interests and mandates of PSCs owned by powerful senior officials. Thus, they tend to perceive such PSCs as "private reserve armies" under control of the ruling elites. For instance, some NGO representatives have alleged that private security guards were hired for 24

<sup>240</sup> Interviews with Angolan civil society organizations, May to June 2007.

<sup>241</sup> Alex Vines, Nick Shaxson, and Lisa Rimli, "Drivers of Change Angola," Position Paper 1, Economic change and reform (2005).

<sup>242</sup> Interview with representative of faith-based organization, May 2007.

<sup>243</sup> Interviews with Angolan civil society organizations, May to June 2007.

<sup>244</sup> Marques 2006, p. 14, p. 17.

hours surveillance of their home residences,<sup>245</sup> while others question more generally to whom PSCs are accountable to and for what purposes do they need the information they collect on persons.<sup>246</sup> Such perceptions are indicative of the culture of distrust and fear that is characteristic for the political climate in Angola, resulting from the legacy of civil war and authoritarian one-party rule. In a more generalizing statement regarding similar phenomena in other African countries, Howe (2001) remarks that "local PSCs assist the personal, non-institutional nature of African regimes: the PSCs leadership, funding, composition and mission are unaccountable to the citizenry".<sup>247</sup>

With regard to the future prospects of a review of the national legal framework on private security companies and its implementation, interviewees perceive the ownership of PSCs by senior officials as a main blockage to enacting and implementing stronger regulations.<sup>248</sup> This perception seems to be shared to some extent by the police. According to Vines (1999), as early as 1998, a senior police official affirmed that "these private security firms erode the State further. They are dangerous; we cannot regulate them as they are politically controlled by senior government officials".<sup>249</sup> The assumption that a private security sector dominated by powerful senior officials makes it more likely to resist to reform measures may be partly confirmed by the apparent lack of support from political decision-makers to back recent moves of the National Police to impose state control on private security companies.

## 9.2 Relationship between public and private security forces

"Private security is a necessary and essential activity for the mission of the National Police to uphold peace and calm of the population, and equally constitutes a salutary part of the national democratic society."<sup>250</sup> (Alfredo Ekuikui, General Commander of the National Police, January 2006.)

"Hybrid policing" by public and private security forces appears to be a common practice also in other African countries.<sup>251</sup> Angolan civil society organisations do not all rule out the fact that as such that cooperation between PSCs and police forces may strengthen the law enforcement capacity of the state and bring some benefits for the business investment climate in the country.<sup>252</sup> Yet, public-private partnerships in the security sector with PSCs as "subsidiaries" of the public security forces, as enshrined in the national legal framework for private security companies in Angola, raises some apprehensions.

In Luanda, civil society organizations and the National Police appear to converge with regard to concerns over the lack of a clear role division between private security and police forces. In particular they are troubled when the protection, access and control of government institutions and public premises are at stake, as well as the type of arms used by PSCs. The law 19/92 demands a clear

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<sup>245</sup> Interviews with Angolan civil society organizations and opposition parties, Luanda July 2004; Interviews with Angolan civil society organizations, May to June 2007.

<sup>246</sup> Interviews with Angolan civil society organizations, May to June 2007.

<sup>247</sup> Herbert M. Howe, *Ambiguous Order. Military Forces in African States* (Boulder: Lynne Rienner, 2001), p. 224.

<sup>248</sup> Interviews with Angolan civil society organizations, May to June 2007.

<sup>249</sup> Quoted in Vines 2000, p. 186.

<sup>250</sup> Rádio Nacional de Angola, "Comissário Ekuikui põe travão na desordem," 28 January 2006.

<sup>251</sup> Abrahamsen/ Williams 2006, pp. 7f. See also Abrahamsen / Williams 2005, Country report: Kenya.

<sup>252</sup> Interviews with Angolan civil society organizations, May to June 2007.

distinction of roles between private and public security forces in their areas of operation, and attributes overall power to the public security forces. However, in practice PSCs – often more heavily armed than the police – have reportedly prevented access of police officials to public areas. As mentioned above, the National Police by early 2006 acknowledged this as a serious challenge to the state authority.<sup>253</sup> In the perception of civil society organizations, the pervasive presence of heavily armed PSCs guarding public buildings undermines trust building in the police, by transmitting the message that not even the government holds confidence in the police's capacities.<sup>254</sup>

One of the most controversial joint police and private security operations in Luanda were the recent forced evictions of poor residents in Cambamba I and Cambamba II in March 2006. These were carried out by the National Police and Rapid Intervention Police in cooperation with guards of the PSC Visgo Segurança e Proteção Ltd., the company assigned to prevent access to the construction area for the new urbanization complex "Nova Vida". These highly visible joint operations of police forces and PSCs – though there appear to be no similar cases reported in Luanda – have sparked off harsh criticism from Angolan civil society and international human rights organizations, which accused both police and private security forces of "excessive use of force".<sup>255</sup> However, civil society actors tend to perceive the PSC involvement in that operation as a rather circumstantial aspect of the core issues of forced evictions without due compensation and un-proportional use of force.<sup>256</sup> In May 2006, the Prime Minister – an alleged shareholder of Visgo<sup>257</sup> – justified the company's involvement in the police operation in a parliamentary hearing on the issue, using the legal "subsidiary" role of PSCs:

"The private security companies are subsidiary bodies of the National Police and are supervised and controlled by the General Commander of the National Police through the National Directorate of Public Order. They must inform the General Commander and the National Police and are obliged to cooperate whenever requested to. Hence, if the private security company acted upon request and in cooperation with the National Police, their action was legal."<sup>258</sup>

However, interviewees commonly agree that the role and behaviour of PSCs in the capital Luanda – where a more outspoken civil society and media appears to exert a certain degree of public pressure – widely differs from the situation in the diamond provinces, namely the provinces Lunda Norte and Lunda Sul, in terms of their activities and the way (or harshness) how PSCs carry out their tasks.<sup>259</sup> The following illustrate this.

<sup>253</sup> Rádio Nacional de Angola, 28 January 2006. *Jornal de Angola*, 2 February 2006.

<sup>254</sup> Interviews with Angolan civil society organizations, May to June 2007.

<sup>255</sup> Amnesty International, "Angola - Lives in Ruins. Forced Evictions continue" (2007). Human Rights Watch /SOS Habitat, "They Pushed Down the Houses'. Forced Evictions and Insecure Land Tenure for Luanda's Urban Poor," (2007).

<sup>256</sup> Interview with Angolan civil society organization, April 2007.

<sup>257</sup> Visgo Segurança e Proteção Ltd. Interview with Angolan civil society organization, April 2007.

<sup>258</sup> *Voz da América*, "Governo explica-se sobre demolições e expropriações de terras," 2 May 2006.

<sup>259</sup> Interviews with Angolan NGOs and international organizations, May to June 2007.

As documented by field research after 2002,<sup>260</sup> the legacy of war economy structures continues to shape the behaviour of armed PSCs and public security forces alike towards the civilian population in the Lunda provinces. While PSCs contracted by private and state-owned diamond companies have reportedly played a very active role in assuming tasks of the public security forces, the local population rarely distinguishes actions of PSCs from the military.<sup>261</sup>

During the civil war, the diamond areas were largely dominated by local military strongmen from the government, UNITA forces and diamond companies that were closely interlinked with private security companies.<sup>262</sup> Some of these PSCs, owned by senior military officials with former soldiers providing manpower, have legitimized the “de facto privatization” of the armed forces, resulting from the commercial engagement of senior military officials in diamond mining operations.<sup>263</sup> Diamond companies have rarely disclosed the range of services provided by PSCs contracted by them. For instance, the PSCs Teleservice and Alfa 5, both owned by senior military officials, were reportedly mandated by DiamondWorks - a company allegedly linked to the former Executive Outcomes - to protect industry assets from “riot and civil commotion”, among others.<sup>264</sup>

Since the Luena Memorandum of 2002, the gradual extension of state administration into these areas - driven primarily by the deployment of military and police contingents - has not brought significant benefits for the local population. In the perceptions of the local population, the opening of new diamond concessions resulted in further dislocation of settlements without due compensation, and to increased restrictions of freedom of movement and access to agricultural areas and rivers.<sup>265</sup> This has fuelled a sense of political and economic exclusion by the ruling elites in Luanda and nurtured perceptions of ethnic separateness.<sup>266</sup>

In recent years, PSCs have reportedly continued to operate in the Lundas as “private paramilitary armies” heavily armed with AK 47 and similar weapons in a wide geographical extension beyond the diamond concessions.<sup>267</sup> However, the role division between PSCs and public security forces seems to be governed by shifting, volatile and largely in-transparent ad hoc arrangements.

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<sup>260</sup> Justin Pearce, “War, peace and diamonds in Angola. Popular perceptions of the diamond industry in Angola,” Institute for Security Studies Situation Report (2004). Rafael Marques and Rui Falcão de Campos, “Lundas - The Stones of Death. Angola’s deadly diamonds. Human rights abuses in the Lunda provinces” (2005). Marques 2006.

<sup>261</sup> Pearce 2004, p. 10.

<sup>262</sup> See Dietrich 2000.

<sup>263</sup> Pearce 2004, p. 10.

<sup>264</sup> According to a report filed in the US Securities Exchange Commission in 1999 by DiamondWorks, quoted in: GRAMA (Groupe de Recherche sur les Activités Minières en Afrique), “Vers une Spirale de la Violence? Les dangers de la privatisation de la gestion du risque des investissements en Afrique. Les activités minières et l’emploi de compagnies privées de sécurité. Mémoire soumis au Rapporteur Spécial sur l’Utilisation des Mercenaires de la Commission des Droits de l’Homme des Nations Unies” (2000), p.13. Nevertheless, DiamondWorks had to close down or reduce mining operations due to attacks from UNITA in 1998. DiamondWorks concessions are meanwhile in possession of Energem Resources Ltd.

<sup>265</sup> As regularly reported in a wide range of local media reports since 2002 (Jornal Apostolado, Rádio Ecclésia, Voz da América).

<sup>266</sup> Ibid. See also Pearce 2004, pp. 12ff.

<sup>267</sup> Marques/Falcão de Campos 2005, p. 14.

Marques / Falcão de Campos (2005) attributed documented cases of serious human rights abuses<sup>268</sup> against local and foreign illegal miners mainly to agents of the National Police and Rapid Intervention Police; yet, the situation presented in a subsequent report by Marques (2006) appears to have changed significantly within a short period of time. While the behaviour of National Police agents towards the local population had apparently improved, these positive developments contrasted with an increasing presence of PSCs patrolling public areas, and an escalation of human rights abuses by PSC agents, including degrading treatment, torture and illegal detentions of informal miners.<sup>269</sup> Marques suggests the main reason for this PSC behaviour is that the government had resorted to "privatize violence", by transferring the fight against illegal diamond mining to PSCs. This shift in the role division between public security forces and PSCs was observed in the sequence of the large-scale police and military "Operation Brilliant" to evict illegal miners, which had earned the Angolan government harsh criticism at the international level.<sup>270</sup> Meanwhile, PSCs tended to justify their own enforced measures against illegal diamond miners with insufficient law enforcement by the local police that tends to quickly release illegal diamond miners.<sup>271</sup>

According to Marques, in consequence of the lack of a clear role division between PSCs and the Angolan Armed Forces - as evidenced by joint operations and the common use of facilities in the Cuango region - the attribution of responsibilities for human rights abuses becomes often difficult to establish.<sup>272</sup> Thus, Marques considered that the fact that the Cuango region in Lunda Norte has come to be under the "effective military control" of heavily armed private security forces, overpowering local administrations and police commands without establishing due supervision, "represents a threat to the establishment of a true democratic rule of law in Angola."<sup>273</sup>

The report by Marques sparked off a debate in Angola and at the international level<sup>274</sup> on the human rights situation in the diamond regions of Angola - which is party to the Kimberley Process - and specifically also on the role of PSCs in Angola's diamond sector, which according to the World Bank "to a large extent remains secretive and victim of patronizing."<sup>275</sup>

### 9.3 Use of firearms

While the law 19/92 allows PSC staff to be armed, options to disarm PSCs have apparently been discussed within the National Police some years ago.<sup>276</sup> However, in the perception of Angolan civil society organizations, prospects for such a policy to prevail seem un-realistic, due to capacity

<sup>268</sup> Including arbitrary detentions, beatings, cruel treatment, torture, assassinations and rape.

<sup>269</sup> Marques 2006, p. 78.

<sup>270</sup> Marques 2006, p. 2. The brutal expulsion of an estimated 300,000 mostly Congolese miners between December 2003 and February 2005 was harshly criticized among others by UN OCHA and the African Union Commission on Human and Peoples' Rights in 2004. (See: Partnership Africa Canada, "Diamond Industry Annual Review. Republic of Angola 2004," (July 2004), pp. 8f. Pearce 2004, pp. 12, 16f.).

<sup>271</sup> Marques 2006, p. 78.

<sup>272</sup> Ibid, p. 79.

<sup>273</sup> Ibid, p. 7 (here translation from Portuguese version from the author).

<sup>274</sup> The debate since 2006 including responses from client companies can be tracked on: <http://www.business-humanrights.org>.

<sup>275</sup> World Bank, "Oil, Broad-Based Growth and Equity. Country Economic Memorandum Angola" (2006), p. xii.

<sup>276</sup> Interviews with Angolan civil society organization in Luanda, July 2004. Field notes of Ana Leão, ISS, 2005.

constraints of the public police forces, the pending challenge to reduce the excess of small arms by completing the disarming of civilians, and lack of political will.<sup>277</sup>

The type of arms used by PSC staff appears to be one of the most controversial issues in the perception of Angolan civil society organizations. According to the law 19/92, PSCs are only allowed to use "defensive" weapons; however, in lack of a legal definition of "defensive" arms, implementing regulations as well as national legislation concerning arms use by civilians, this provision remains difficult to enforce. Thus, due to the easy availability of small arms and light weapons remnant from the war and an allegedly existing ban on firearms imports into Angola, PSCs continue to commonly use AK-47 and similar weapons that are perceived as "weapons of war" by the civilian population. The use of these kinds of weapons in Luanda is seen as intimidating, threatening and unadjusted to the rules of behaviour in urban spaces by "perpetuating a culture of war" instead of a climate of peace.<sup>278</sup> As one interviewee bluntly expressed, "private security companies bring no security; all they do is scare people."<sup>279</sup> Such perceptions are insofar significant in the post-conflict context of Angola, as carrying weapons during the war has long provided a sense of superiority to agents of public security forces, fuelling widespread abuse of power.<sup>280</sup>

The potential link between PSCs and illicit small arms circulation in Angola has never been documented. Nevertheless, it is often implied or assumed by government officials and civil society organizations. In 2004, the President established a National Inter-Sectoral Commission for the Implementation of the United Nations Program of Action on the Illicit Trade of Small and Light Weapons.<sup>281</sup> The government of Angola has since presented at the international level "disciplining and prohibiting the ostentatious use of firearms by the military, militarized forces and personnel of private security companies, reserving for them the weapons of personal defence established by the law" as key measures to prevent the illicit traffic of small arms and light weapons.<sup>282</sup> Meanwhile, officials of the National Police, the responsible body for the control of arms stockpiles, admitted in 2005 that firearms used by PSCs were mostly un-registered; nevertheless they tended to regard illicitly procured firearms by PSCs as potentially easier to control than the ones "lose on the streets."<sup>283</sup> However, taking into account the weak law enforcement capacity of the police and a long tradition of corruption and impunity within the public security forces, registration of firearms used by PSCs presumably continues not to be the norm.

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<sup>277</sup> Interviews with Angolan civil society organizations, May to June 2007. Current numbers on excess small arms and light weapons in the hands of civilians in Angola can only be roughly estimated. According to the US Department of State, in 2006 there were still 2 to 2.5 million excess small arms and light weapons (Bureau of Political-Military Affairs, 6 September 2006). The National Police claims to have collected 140,000 firearms from 1999 to 2006 (Angop, 12 March 2007), while the Justice Minister in 2006 declared that "given the characteristics of the Angolan conflict, which ended four years ago, and after a careful investigation, we are in a position to state that the number of weapons in possession of civilians is not as for yet determinable" (27 June 2006 in New York).

<sup>278</sup> Interviews with Angolan civil society organizations, May to June 2007.

<sup>279</sup> Interview with representative of Angolan faith-based organization, June 2007.

<sup>280</sup> See Amnesty International, *Beyond the Law*, 2007, p. 2.

<sup>281</sup> The Commission, headed by the Minister of Foreign Affairs, was established by presidential decree in 2004 and has appointed three civil society organizations - Rede Mulher, COIEPA, and the Angolan Bar Association (OAA) - as part of the Commission. According to an interviewee from these NGO members in June 2007, the Commission has been largely inactive so far.

<sup>282</sup> Angolan Justice Minister Manuel da Costa Araújo, 27 June 2006 in New York.

<sup>283</sup> Field notes from Ana Leão, ISS, 2005. Interview with the NGO Angola 2000 in Luanda, July 2004.

Although the law 19/92 demands regular trainings of PSC staff to handle weapons, Angolan legislation has not established training standards. Concerns on the display of heavy armament by insufficiently trained private security guards have been raised by the National Police in meetings with PSC officials during the last years.<sup>284</sup> Yet, practices of ostentatious use of firearms by PSC staff, mainly during transportation convoys of value goods, by driving at high speed through Luanda city, reportedly persist, though to a much lesser degree than before 2006.<sup>285</sup>

However, and most significantly, as mentioned in the section above AK 47s and other “war weapons” have also reportedly been used by PSCs in joint operations with the public security forces, namely the National Police, the Rapid Intervention Police and the Angolan Armed Forces. Such heavily armed joint operations raise questions related to how far the Angolan government is committed to restrict firearms used by PSC to “defensive” weapons, which surely contributes to perceptions of distrust towards the authorities by the local population.

## 9.4 Employment issues

As mentioned above, the recruitment of Angolan staff with military training has been one of the most effectively imposed provisions of the law on PSCs by the authorities. Since 1991, hundreds of thousand soldiers and combatants were demobilized from UNITA and the government armed forces, thereby leading to a large pool of men with war experience in need of employment. The passing of Law 19/92 certainly aimed at absorbing the first wave of demobilized soldiers and combatants at the time.

So far, there are no official statistics on the number of demobilized combatants employed by PSCs.<sup>286</sup> In 2004, Sven Thomson, the manager of Guarda Segura - a PSC that claims to focus on employing and training demobilized soldiers and combatants -, estimated its total number employed in the private security sector at 15,000.<sup>287</sup> It also remains to be established how many PSC employees have formerly served for the UNITA, the government armed forces or police.

As has been observed in other African countries, the quality of services delivered by PSCs and their potentially positive impact on society as an employment provider should be balanced with the quality of working conditions within the private security sector.<sup>288</sup> In Angola, the perception appears to be widely shared that there is a strong causal link between bad working conditions within the private security sector and criminal activities of private security guards.<sup>289</sup> As a lawyer of an Angolan civil society organization in Luanda states, “private security companies are the employers who least respect the workers in Angola.”<sup>290</sup>

<sup>284</sup> LUSA, 28 April 2005. Interview with Angola 2000 in Luanda, 2004. Field notes from Ana Leão, ISS, 2005.

<sup>285</sup> Interviews with Angolan civil society organizations, May to June 2007.

<sup>286</sup> Research on the DDR process of UNITA soldiers has mainly focused on rural areas and provincial capitals, excluding Luanda. See Gomes Porto et al. 2007.

<sup>287</sup> IRIN, “Demobilized soldiers find work in the security industry,” 14 June 2004. See also <http://www.guardasegura.com>.

<sup>288</sup> Abrahamsen, Rita and Michael C. Williams, “The Globalisation of Privatised Security. Country Reports Nigeria, Kenya and Sierra Leone” (2005).

<sup>289</sup> Interviews with Angolan civil society organizations and international actors, March to June 2007. The same perception has been widely echoed by the private and public media in Luanda recent years.

<sup>290</sup> Interview with Angolan civil society organization, June 2007.

Working conditions in the private security industry are often harsh, implying 24 hours shifts without including food or medical subsidies.<sup>291</sup> Salaries for private security guards vary: at times below the national minimum salary of USD 50 per month, but on average rarely exceeds USD 250. Even the latter can be considered as a salary that is still very low compared to the living costs in urban Angola.<sup>292</sup> Additionally, salary payment delays appear to be a common practice of many employers in the private security sector, despite high profits for PSCs: Clients can be charged USD 1,000-1,500 per security guard,<sup>293</sup> or up to USD 2,000 for manned protection of a household per month.<sup>294</sup> Such exploitive practices result in perceptions of social deprivation among PSC employees, which may be tempted to capitalize on access to arms and assets for additional income-generating activities, thus mirroring moonlighting practices within the public security forces.<sup>295</sup>

Criminal activities of private security guards, including theft of clients and the use of firearms for illicit purposes in Luanda have become increasingly documented in recent years by local media and acknowledged by the police and judicial authorities. In April 2005, a judge of the Provincial Court of Luanda revealed that guards of PSCs were one of the main groups involved in lawsuits related to the illicit use of firearms.<sup>296</sup> In February 2006, the General Commander of the National Police in a meeting with representatives of PSCs listed "anarchic shootings and theft" in a long list of violations of the law perpetrated by private security guards.<sup>297</sup>

Systematic screening of criminal records for staff has often been presented as a promising measure to enhance professional recruiting practices and vetting procedures. In August 2006, the National Police publicly reiterated that PSCs are prohibited to recruit staff without official authorization and clarification of the individuals' criminal records "in order to stop the wave of crimes committed by security guards."<sup>298</sup> Angolan civil society organizations have recognized these declarations from the National Police as a sign of "good intention". Yet, most remain sceptical with regard to the prospects for effective implementation, taking into account corrupt practices and the fact that many archives were destroyed during the war and several amnesties released since 1991 for crimes committed during the civil war.<sup>299</sup>

According to local media reports, criminal practices of PSC staff have not only affected the population, but also international and national clients including Angolan government institutions. As an illustrative example, the state-owned press in October 2006 reported that the Ministry of Finance terminated a contract with a PSC on the grounds that security guards had engaged in systematic

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<sup>291</sup> Jornal de Angola, "Excesso de carga horária preocupa Sintetap," 4 January 2004.

<sup>292</sup> Interviews with Angolan civil society organizations, March to June 2007. Jornal de Angola, "Seguranças exigem salário mínimo de USD 400," 6 March 2004.

<sup>293</sup> Jornal de Angola, 6 March 2004.

<sup>294</sup> IRIN, 14 June 2004.

<sup>295</sup> Interviews with Angolan civil society organizations, March to June 2007.

<sup>296</sup> LUSA, 28 April 2005.

<sup>297</sup> Jornal de Angola, 28 January 2006.

<sup>298</sup> Jornal de Angola, "Polícia condiciona admissão de pessoal em empresas privadas de segurança," 10 August 2007.

<sup>299</sup> Interviews with Angolan civil society organizations, May to June 2007.

theft. Officials of the Ministry subsequently acknowledged that grievances of private security guards due to underpayment and salary delays were among the main reasons for criminal behaviour.<sup>300</sup>

Other cases reported by the local media suggest that corrupt practices and conflicts of interest, coupled with competition for lucrative contracts and exploitation of staff have fuelled criminal practices of private security guards. As an example reported by a private weekly in 2006, the staff of a PSC contracted by the state-owned oil company Sonangol had resorted to systematic theft within the facilities assigned to guard. According to the weekly, the former (and later dismissed) head of security of Sonangol, allegedly a major shareholder of a little known PSC named Bonsamba, had apparently provided for an overpriced security package contract for his company, while the security guards were underpaid and salary payments delayed for longer periods.<sup>301</sup>

There has been a first collective attempt by employees of PSCs to push for better working conditions. In 2003, a trade union for PSC workers<sup>302</sup> was established, which in 2004 presented demands of a monthly minimum salary of USD 400, among others.<sup>303</sup> Members of the union characterized the massive discrepancy between the high profits entering the books of the companies and the salaries for employees as "an authentic robbery".<sup>304</sup> The establishment of a higher minimum salary may tackle some of the underlying causes for criminal behaviour of security guards. However, the union has so far not been able to achieve any visibility, despite having claimed to have 4,000 members in 2004. Trade unions in Angola generally have little bargaining power, due to small size of the formal private sector that is largely dominated by the ruling MPLA (Movimento Popular de Libertação de Angola) elites and generally scarce employment opportunities. Moreover, implementation of labour laws in Angola continues to be poor and strike laws restrictive.<sup>305</sup>

It remains to be established, however, in how far the size and influence of PSCs impacts upon employment conditions. Some civil society organizations argue that employees of PSCs owned by senior military and government officials are in an especially weak position to press for improved labour conditions due to the power of their owners. Others claim that the large companies that are best positioned in the market tend to offer better work conditions in their own interest. The latter appears partly to be confirmed by the fact that clients with a smaller security budget who rely on smaller and less expensive PSCs most commonly suffer from theft and robberies perpetrated by the guards or criminals associated to them.<sup>306</sup>

<sup>300</sup> *Jornal de Angola*, "Segurança privada," 14 October 2006. The company in case was apparently Protector Ltd.

<sup>301</sup> *Semanário Angolense*, "Cabritismo atinge segurança da Sonangol," 21 January 2006. *Semanário Angolense*, "Furtos afastam Bonsamba," 2 September 2006. *Semanário Angolense*, "Responsáveis da petrolífera com apetites no negócio," 2 September 2006.

<sup>302</sup> Sintesap (Sindicato dos Trabalhadores das Empresas de Segurança e Auto Protecção), which is affiliated to one of the three national trade union platforms, Força Sindical Angolana - Central Sindical (FSA-CS).

<sup>303</sup> *Jornal de Angola*, "Excesso de carga horária preocupa Sintesap," 4 January 2004. *Jornal de Angola*, "Defendidos USD 400 como salário mínimo," 21 February 2004. *Jornal de Angola*, "Seguranças exigem salário mínimo de USD 400," 6 March 2004.

<sup>304</sup> *Jornal de Angola*, 6 March 2004.

<sup>305</sup> See UNI-Africa, "Report of the UNI-Africa Mission to Angola," (2005). Report of the International Confederation of Free Trade (ICFTU), "Internationally recognized core labour standards in Angola," Report for the WTO General Council Review of the trade policies of Angola, (2006).

<sup>306</sup> Interviews with Angolan civil society organizations and international organizations, March to June 2007.

## 10 Conclusion

Five years after the establishment of an overall stable military peace, implementation of the national legal regulatory framework of 1992 remains insufficient. All of this despite recent efforts by the National Police to tighten state control and push for enforcement. The lack of implementing regulations which define clear criteria on a series of critical aspects - including overall PSC supervision and monitoring mechanisms, arms procurement and staff recruitment procedures, training standards for staff, and the definition of "defensive" firearms - partly accounts for this situation.

In the perception of the Angolan civil society organizations that were interviewed, a more fundamental concern is the ownership of PSCs by senior military and government officials and the serious conflicts of interest resulting from such ownership patterns. These are perceived to present an obstacle for reform and effective implementation. Moreover, such conflicts of interest - mirroring the overall concentration of political and economic power in Angola - not only reflect poorly on the accountability of PSCs, but also of the public security forces and the Angolan government towards the citizens. In addition to these concerns, conflicts of interest within the security sector are perceived to perpetuate a culture of distrust and fear.

It has been suggested by researchers on other African case studies that security sector reforms need to take both private and public security forces into account in order to enhance peace-building, good governance and sustainable development in post-conflict environments.<sup>307</sup> This is evident also in the case of Angola, where ad hoc public private partnerships in the security sector are encouraged by law and in practice, however without clear criteria and mechanisms to assure accountability and respect of national laws and international human rights standards. In the perception of Angolan civil society organizations, one of the main points of concern here is that such partnerships lack transparent mandates and ownership structures, thereby undermining trust-building into the public security forces and the state institutions.

The prevailing use of "weapons of war" by PSCs is also commonly perceived as one of the main issues of concern, as it perpetuates a culture of violence, impunity and fear that has deeply marked society for decades of civil war and authoritarian rule.

The private security sector has an important potential for bridging the gap for socio-economic integration of demobilized soldiers and combatants. However, while violent crime and the weak law enforcement capacity of the police are among the main causes generating the "security gap" upon which PSCs capitalize, it is widely perceived that bad working conditions in the private security business and underpayment of staff ultimately fuels grievances among PSC employees that easily convert into criminal practices and moonlighting.

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<sup>307</sup> Richards/Smith 2007, p. 1.

## Main conclusion and recommendations

The goal of this exploratory study was to enrich the understanding of how PSCs influence the lives of local populations in the regions in which they operate, using the examples of Angola and Afghanistan. Qualitative research methods, including semi-structured interviews and focus group discussions were applied to make some first steps towards capturing views of and impacts on local populations with respect to PSCs. The majority of those interviewed in both countries revealed a negative attitude towards PSCs for various reasons, often, because PSCs seemed to contribute to a sense of distrust or even insecurity.

In line with the exploratory nature of this study as well as its scope, the findings of this report are tentative rather than definite. Different methodologies for interviews were used for the two country cases, limiting the possibility for a comprehensive comparison but setting the frame for general discussions of the main observations. While for the Afghanistan study, direct views from the local population could be captured in focus group discussions and interviews, the Angolan one concentrated on telephone interviews with civil society representatives.

The next sections present the main observations from both cases studies, trying to inspire further research into this area. Both similarities and differences between the findings from the Angolan and the Afghan case are highlighted, taking the political and social contexts of the two countries into account. In a final section, key recommendations are drawn.

### **Sense of distrust due to lack of transparency**

It was observed in both countries that the overall in-transparent environment prevailing around PSCs fuels speculations as well as distrust. Lack of transparency with regard to hiring practices, mandates, identification, accountability and supervision as well as training of staff appears to underlie most concerns raised by interview partners in the two countries. In Afghanistan, for instance, the local population in urban and rural areas alike often has difficulties in differentiating between PSCs and other (international) armed forces or militias. The lack of a visible identification or the use of uniforms similar to those of local security forces contributes to distrust and suspicion since people do not know with whom they are dealing with. In contrast to Afghanistan, PSCs in Angola commonly use clearly distinguishable uniforms and can be easily identified as private security forces. Yet, their ambiguous role in their relationship to the public security forces appears to fuel distrust regarding PSCs.

### **Sense of insecurity due to a perceived heavily armed presence of PSCs**

In both countries, the heavy armament of PSCs was perceived as threatening and as creating an environment in some ways resembling the conflict period. The use of AK 47s and similar weapons by local PSC staff in both countries appears to be a consequence of the surplus of small arms and light weapons left over from the decades-long wars. Weapons are easily available and local administrations have difficulties to control and reduce the number of weapons circulating. The use of (unregistered) arms by PSCs raises concerns by those interviewed that this may contribute to small arms proliferation and overall insecurity. More attention should be paid on how PSCs (both national and international) are able to obtain legal weapons for their work in order to reduce this problem.

### **Distrust due to "bad" or criminal behaviour and human rights abuses by PSC staff**

The behaviour of PSC staff was often perceived as poor, not treating the local population with respect and consideration. This may be due to a lack of appropriate training, supervision and law enforcement. Concerns exist in Angola that the payment of PSC staff - even though higher than payments for local security forces - tends to remain low, potentially indirectly contributing to criminal activities by PSC staff. In Afghanistan, the fact that contracts are made with militia commanders also reduces the actual salary of individual guards, possibly providing an incentive to engage in "extra-curricula" activities. PSC staff are allegedly engaged in extortion, kidnapping and

the smuggling of drugs. The latter was also perceived to be linked to employing militia who are neither trained nor properly supervised. Interview partners moreover criticized the lack of accountability of PSC staff (both national and international) for crimes and human rights abuses. In Angola's remote diamond regions, for example, human rights abuses were committed by PSCs as well as national security forces, in an environment where the rule of law is almost absent. In Afghanistan, impunity of PSC staff (both national and international) is seen as a major point of contention by the local population.

### **Loss of trust in the state and its monopoly of the use of force**

In both countries, the pervasive presence of PSCs seems to reinforce a perception of weak state authority. In Angola, PSCs are legally bound to act as subsidiaries to the public security forces. Yet, in specific regional contexts (as in the diamond areas) PSCs in practice tend to substitute public security forces without due supervision, sending the message that the public security forces are inadequate. In Afghanistan, the inability of the government to establish a regulatory framework for PSCs and restrict improper conduct by security firms contributes to the perception of governmental weakness regarding PSCs. Perceived impunity of some PSC staff further undermines the trust in the state. The reasons for this may be a mix of different factors, including clientelist structures and the limited capacity of state institutions.

### **Employment opportunities**

In both Angola and Afghanistan, it was positively acknowledged by interview partners that the PSC industry brings about economic benefits, particularly employment opportunities for the local population, including for former militia fighters and demobilized soldiers. However, expectations were not fulfilled with regard to adequate pay and respect of national labour laws (Angola) and capacity building in form of training (Afghanistan). The fact that international PSCs in Afghanistan also have a tendency to employ third-country nationals leads to resentment among the more qualified Afghans aspiring to higher-paid jobs.

The five points listed above highlight some similarities with regard to the influence of PSCs on the lives of the local population. It is, however, evident that there are differences between the two cases as to why specific perceptions may arise and how strongly they are expressed. Overall, some fundamental differences with regard to the country settings have to be considered when discussing PSCs in these two places:

Firstly, the decades-long armed conflicts and the rapid growth of the PSC industry have shaped both countries and influenced perceptions. Yet, while the security situation in Afghanistan has been deteriorating in the last years, Angola can be considered to be fairly stable in most parts of the country. Secondly, PSCs working in Angola are mainly domestic (largely dominated by military elites and senior government officials) while in Afghanistan the market is held jointly by international and local firms (both, however, relying on local staff with alleged militia backgrounds). Thirdly, in Angola the PSC phenomenon is not new and has existed for ten years longer than in Afghanistan. Fourthly, the prevention of illicit diamond mining and "policing-like protection services" that can be provided by domestic PSCs appear to be the most common services needed in the current context in Angola. In Afghanistan, in contrast, protection against arbitrary violence of criminals, armed insurgents and anti-government forces is the main demand (e.g., kidnapping of local businessmen and foreign workers). Finally, while a relatively comprehensive PSC law has existed in Angola since 1992, Afghanistan is still in the process of establishing one.

## Lessons and recommendations

Some tentative and general lessons and recommendations can be drawn from the observations made in the two cases.

Firstly, the resentment of the general population with respect to PSCs needs to be addressed by various actors, including PSCs themselves, their clients, host governments and the international community. The observations from the two cases suggest a widespread distrust concerning PSCs and feeling of insecurity. This does not only reflect on the PSCs themselves but also on other actors. In Afghanistan, for instance, resentments against international PSCs are by extension also applied to other international actors, including foreign military, humanitarian agencies or NGOs. Discontent with local PSCs often goes against local strongmen trying to redefine themselves through PSC businesses but also against the national government, which does not seem to be able to sufficiently control PSCs. In Angola, resentments against PSCs are directed towards local power-holders and the government. Experiences from other countries show that criticism could also be directed towards the clients of PSCs, such as to resource extraction companies. Clients of PSCs such as private companies and international actors should for this reason be interested in assuring good PSC behaviour in order to avoid resentments reflecting badly on them.

Secondly, the quick passing of PSC legislation in Angola has not solved the problem of regulation. Legislation only makes a difference if enforcement is guaranteed and this remains a key challenge. In Afghanistan, some first experiences were made in this regard when, for instance, early attempts to go against the blocking of roads by PSCs were thwarted by international actors ignoring government orders. Angola may in fact show the future path Afghanistan may embark upon if certain issues around PSC regulation are not addressed.

Thirdly, the observations made seem to suggest that employing former local armed actors in PSCs can only have a positive impact on peace processes if PSCs regulations are harmonized with the national process of security sector reform, DDR in particular. This is especially the case when DDR processes are problematic and only partly successful, as in Afghanistan. Special consideration should be placed on the training of staff to assure appropriate behaviour with regard to the local population. This could also contribute to the reintegration of former ex-combatants or militias.

All these tentative findings and lessons call for more research and discussion about the impact of PSCs in the countries they operate in, so that more definite answers can be given to how the everyday lives of local populations are influenced. All actors involved could benefit from further research and gaining more insight into the interactions of local populations with PSCs.

Two sets of recommendations are presented in the following, one general set of recommendations for local or international regulations of PSCs and a second set of more process-oriented recommendations addressed to a wider range of actors.

### General recommendations to host governments for PSC regulation

- Assure clear identification of PSC staff and vehicles (IDs, clearly distinguishable uniforms, special number plates for vehicles).
- Assure clear definition of mandates, activities and services that are allowed to each PSC and assign appropriate licences.
- Establish clear rules concerning the procurement and licensing of weapons (differentiating kind of weapon and licences to obtain), so that no unregistered weapons are used by PSCs.

- Establish clear rules about the collaboration between PSCs and governmental security forces.
- Establish clear rules about public office holders being able to own or participate in PSCs.
- Establish clear requirements as to the qualifications of PSC staff in terms of training and clean criminal record.
- Assure location of PSC facilities outside civilian areas.
- Assure that PSC regulations comply with national and international laws and regulations, such as labour laws, and international human rights laws.

### **Process oriented recommendations**

#### **To PSCs:**

- Establish best practices in staff recruitment and staff supervision and share information on best practices (this should include all staff up to management and director levels).
- Make training an important and ongoing element of quality service. Also include appropriate behaviour in interactions with the civilians in training modules.
- Be more transparent on the ownership structure of the company as well as the contracts.
- Establish complaints mechanisms easy accessible for the local population.

#### **To clients of PSCs:**

- Sign in and/or implement recommendations of the Voluntary Principles on Security and Human Rights (VPSHR).
- Consult with local communities on the impact of the intended security arrangements.
- Follow a clear code of conduct for hiring PSCs such as The Sarajevo Client Guidelines for the Procurement of Private Security Companies.
- Establish a monitoring system of the quality of private security products and behaviour of PSC staff.
- Assess good reputation of PSCs in local environment before hiring them.

#### **To the host governments:**

- Establish an independent, public and easy to access complaints mechanism where the local population and civilian international actors can file their complaints and concerns considering PSCs misconduct and assure follow-up concerning filed complaints.

- Regulate PSCs as soon as capacities allow and focus on initial regulation that can be easily reinforced until capacities allow more comprehensive laws.
- A national regulatory process regarding PSCs should include civil society consultation.
- Assure collaboration with DDR programs and on-going security sector reforms.

**To the international community:**

- Assist the local government in passing PSC regulation as soon as possible, and establish a public complaints mechanism.
- Coordinate among each other and avoid contradictory behaviour that undermines joint efforts and transparent action.
- Disclose information on spending into the private security industry to tax payers.
- Develop standard training packages that could be offered to PSCs by outsiders (e.g., the UN, NGOs etc.).
- Monitor public perception of PSCs in other countries.

## Appendices

### Appendix I: Focus group discussions conducted in Afghanistan

Where and who	Participants	Men	Women
<b>Kabul (3 focus groups)</b>			
NGO leaders, intellectuals, media	6	5	1
Young leaders	6	5	1
Mixed background, included people from Logar	33	21	12
<b>South of Afghanistan</b>			
Kandahar	18	18	0
Helmand (but held in Kandahar)	12	12	0
<b>South-east of Afghanistan</b>			
Khost	17	12	5
Paktia	22	16	6

Focus group participants were chosen as to their representation for parts of the society, such as leaders of civil society organizations, or academics; and from the young leader forum for their leadership role in various parts of Kabul. In rural areas, community leaders in charge of community issues were interviewed (making most groups male-dominated). One area in Kabul was chosen due to their proximity to various compounds of private security companies.

## Appendix II: Overview of PSCs working in Afghanistan

**Table 1. Overview of PSC services provided in Afghanistan**

Due to PSCs typically not publicly disclosing their activities in Afghanistan, information provided in this table may be neither complete nor conclusive.

Type of services provided <sup>308</sup>	Who provides it?
<b>Consulting/advise</b> Reforming and reconstructing Afghan National Police (ANP) and Afghan National Army (ANA). Assisting Ministries of Interior and Defence and National Security Council to establish policies, procedures, decision-making, as well as procurement of weapons and equipment.	Mainly international PSCs and international staff, e.g., DynCorp and MPRI.
<b>Training and instructions</b> (for example of ANP and ANA, but also non-governmental sector in first-aid, security management etc.).	International firms and staff, possibly some third-country nationals (e.g., DynCorp, World Security Initiatives (WSI) for ANA and ANP; and ArmorGroup, Centurion, Control Risks, Hart Security and SSI for NGO training) <sup>309</sup>
<b>Logistic support;</b> including for military support operations.	International firms and staff, possibly some third-country staff, various firms. Afghan truck drivers hired directly or through Afghan firms ( <i>shirkast</i> ) <sup>310</sup> for transporting supplies for PSCs.
<b>Maintenance</b> (arms, security systems).	International firms and staff, supported by local ones, various firms.
<b>Intelligence and risk management services</b> (information provided to various actors, both military, private and non-governmental).	International firms and staff, various firms, e.g., AEGIS, Global Risks Group (CR), Amour Group.
<b>De-mining</b>	International firms and advisors, local staff carrying out work (e.g., Ronco).
<b>Poppy eradication</b>	International firms, mix of International/qualified local staff (e.g., DynCorp).

<sup>308</sup> Typology was inspired by Schreier/Caparini 2005.

<sup>309</sup> See Renouf 2007.

<sup>310</sup> Information provided by former western diplomat and UN official, e-mail, 30 June 2007.

<b>Interrogation</b> (debated task, but since the Abu Grahیب Prison Scandal in Iraq, it is known that PSCs are hired for this as well and accounts say this service is also provided in Afghanistan. <sup>311</sup> )	International firms and staff (possibly with national staff), e.g., Blackwater. <sup>312</sup>
<b>Static guarding sector/site protection</b> (offices, residences of internationals, banks, shopping areas, warehouses, reconstruction sites, embassies).	Mix of international and local companies. Usually clients can stipulate nationalities of guards to be used (for international firms). For example, the US and UK embassy is guarded by third-country nationals (Gurkhas) from ArmorGroup, the German embassy is guarded by Afghan staff provided by Saladin. Biggest international guard companies using mainly Afghan staff are USPI and Saladin.
<b>Personal (VIP) protection/mobile security</b> (may include convoys).	Mix of international and local companies, depending upon who is guarded. Clients can stipulate who guards them.
<b>Electronic security and surveillance sector</b> (alarm system of all kinds).	Mainly international firms with mix of international and qualified local staff, various firms, e.g., Compass, UXB International.
<b>Election support</b> (security advise, polling site scouting), going where the UN cannot go due to difficult security environments.	International firms and staff with local fixers, e.g., Global Risk and Kroll (worked for UN, but contracted through the Asia Foundation).

Table 2. Overview of known PSCs working in Afghanistan

Country/ License type	Number	Name of companies
<b>Domestic</b>	<b>20</b>	
Afghan	16	Afghan Security, Alburz, Burhan Security Service, Commercial Security Guards Service, Good Knight Security Services, Kabul Balkh, Kabul Security Service, KPS, Khurasan Security, Mellat Security International Company (MSI), NSL, Pride Security Services, Siddiqi Security, Shamal Crawn, Shield, Wattan Risk Management.
Afghan- International Partner	4	Khawar (Afghan-American), Tor Ghar Security (Afghan-American), A Team Security Company (Afghan-Lebanon), Afghanistan Security International Associate (Afghan-Pakistan).

<sup>311</sup> Schreier/Caparini 2005. See also Peter W. Singer "Above Law, Above Decency. Private military contractors may escape punishment in the Iraqi prisoner abuse scandal," Los Angeles Times, 2 May 2004. For Afghanistan see Robichaud 2007. In Afghanistan, Blackwater was associated with this activity, but the firm so far has not responded to an email trying to verify this information.

<sup>312</sup> Interviews with UN officials and western diplomats, March 2007. Blackwater was contacted (via IPOA) to verify their engagement in Afghanistan - and also asked to make a statement about alleged involvements in interrogation, but no response has been received as of yet.

<b>International</b>	<b>57</b>	
US	21	<p>Akal Security Afghanistan/CIS Afghanistan, Afghanistan Resources Corporation, Blackwater USA, DynCorp International, EODT Technologies Inc., Kroll Security International, MVM Inc, MPRI, Inter-Con Security Systems, Protection Strategies Inc., Safenet Security Services, Triple Canopy Inc., US Protection and Investigation (USPI), UXB International.</p> <p><i>Indicated as US-Afghan Partnership (6):</i> Guard Force International, LSG Security Company, Protection Strategies Incorporation Afghan Resource (now under the name of IRG), Strategic Security Solution International Afghanistan (SSSI) – Afghan subsidiary of Universal Guardian Services Group, The Sandi Group (TSG), World Security Initiatives (WSI).</p>
UK	17	<p>AKE Ltd., ArmorGroup Services, Aegis Defense Services Ltd, Blue Hackle, Control Risks (CR), Edinburgh International, Erinys Ltd., Global Middle East Strategies (Global Risk Group), Group 4 Security, Hart Security, IDG Security, Napier Consulting, Ronin Concepts, SAL Risk Group, Saladin Security Afghanistan, Vigilant Security Services.</p> <p><i>Indicated as UK-Afghan Partnership:</i> TOR Afghanistan (Afghan-England).</p>
UK-Other	3	Olive Group (England-Dubai), Sababari International Security (England-Jordan), International Specialized Services (ISS, England-South Africa).
US-UK	2	Ronco Security Services, S.C.G International Risk.
Australia	3	All Safe and Secure Security, Compass Security, G-9 Security (Afghan-Australian).
Canada	2	CAPS, Globe Risk Holdings.
Germany	2	Professional Track (Afghan-German; now under the name of Uqabi Safed), General Security.
Nepal	2	International Security Services (Afghan-Nepal), Falcon Security.
Turkey	2	GAT Security And Demining Services Ltd, Yuksel Special Security Services.
Other	3	FBG International Security (Netherlands), Sabah Afghan Security (India), KB International (Pakistan)
<b>Unclear origin (many likely to be Afghan)</b>	<b>13</b>	<p>Boost Kabul Service (BKS), Hamraz Manpower Management, Hemayat Az Jawanan, Helmand Wall Co.</p> <p>CLS, ARS, Govern State, Ralraz, Shamal-e-Karwan, Professional Turk, IRSM, Cel Ratbak Group, Jary International Security.</p>
<b>TOTAL</b>	<b>90</b>	

## Notes to Table 2 and source lists used to construct the table

Mistakes found with the AISA list are summarised below (based on interviews with UN officials, western diplomats, representatives of PSCs in Afghanistan and an ex-AISA official, Kabul, March 2007; but also web-research):

- Kroll Security International is registered as of UK origin on the AISA list, while the web information suggests US Kroll has sold their security wing to a Canadian Company called VANCE/GARDA since visit in March to Kabul (information from PSC representative in early June 2007).
- Akal Security Afghanistan and CIS Afghanistan are both registered as England-Pakistani firms with AISA, while on the web only a firm in New Mexico (US) could be found (Akal) that indeed works in Afghanistan and partners with Coastal International Security (CIS). In a meeting on Kabul local guard services, Akal-CIS was jointly represented (see website below accessed last on 7 June 2007). <http://fs2.fbo.gov/EPData/State/Synopses/8786/S-ALMEC-06-R0069/SiteVisitAttendees2.doc>.
- Vigilant Security Services is registered as of US origin with AISA, while the web suggests UK (Scottish).
- International Security Service is registered as an Afghan-Nepal firm, but only information on a US company of that name was found on the web – it could not be verified if they are the same company.
- G-9 Security is registered as an Australian-Afghan firm; the web provides no information on any location for the company.
- The following firms were of unclear origin:
  - UNAMA list (4): Boost Kabul Service (BKS), Hamraz Manpower Management, Hemayat Az Jawanan, Helmand Wall Co.
  - Mol/CIU list (9): CLS, ARS, Govern State, Ralraz, Shamal-e-Karwan, Professional Turk, IRSM, Cel Ratbak Group, Jary International Security.
- No matching website or any other kind of other relevant information could be found on the following Afghan and international organizations (13): Protection Strategies Incorporation Afghan Resources (Afghan-American), Professional Track (Afghan-German), All Safe and Secure Security (Australia), CAPS (Canada), COMPASS (Australia), International Specialized Services (England-South Africa), General Security (Germany), Sabah Afghan Security (India), Falcon Security (Nepal), FBG International Security (Netherlands), KB International (Pakistan), GAT Security and Demining Services Ltd. (Turkey), Yuksel Special Security Services (Turkey). Some of these organizations may have only been set up for the Afghan context (as it is suggested for Compass) no longer exist (as it was suggested for Protection Strategies Incorporation Afghan Resources), as there is a constant flux of PSCs in Afghanistan, and also the selling of companies.

The following international companies that were identified by various interview partners and online sources to be working in Afghanistan, some with a quite visible presence, were not on any of the three lists (AISA, Afghan Mol and UNAMA; except for DynCorp which was on the UNAMA list):

- UK Firms (6): AKE Ltd., Control Risks Group,<sup>313</sup> Erinys Ltd., Group 4 Security,<sup>314</sup> Napier Consulting,<sup>315</sup> Ronin Concepts.
- US Firms (9): Blackwater USA, DynCorp International, EODT Technologies Inc., Inter-Con Security Systems, Protection Strategies Inc., MPRI, Safenet Security Services, the Sandi Group (TSG – US Afghan, US-Iraq), UXB International.
- Canadian Firm (1): Globe Risk Holdings.

The omission of DynCorp from the Mol list is most puzzling due to being one of the most visible companies in the country with various contracts to support the Afghan government. The company used to provide the body guards for the Afghan President Hamid Karzai, continues to serve in an advisory function to the Mol with about 1,200 men,<sup>316</sup> and is also in charge of the training of the Afghan police. The Mol seems to be aware of this inherent contradiction.<sup>317</sup>

<sup>313</sup> But they did register as a Business Risk Management company (information provided by representative of private security firm, 5 June 2007).

<sup>314</sup> While named as a firm working in Afghanistan, others suggested they only had sent consultants to assess contracts, the latter would explain why they are on no lists.

<sup>315</sup> According to website they provide security advice among other services such as project management. <http://www.napierco.com/>.

<sup>316</sup> A DynCorp Advisors, for example, was present during part of the interview with the Chief of Police Administration, who is charge of drafting the law on PSCs in Afghanistan.

<sup>317</sup> Information provided via e-mail, PSC representative, June 2007.

### **Appendix III:**

#### **Summary of main issues of draft PSC regulation in Afghanistan (August 2007)<sup>318</sup>**

The following elements are worth highlighting, as they are currently considered and debated during the drafting process of a PSC regulation, even if they do not make it into the final regulation:

#### **Responsible government entities**

1. The Ministry solely responsible for PSC registration will be the MoI. However, assessment, document registration, licensing, as well as monitoring and regulating activities of PSCs will be done by a Coordination Board (and associated Secretariat) which is proposed to consist of representatives of the Ministry of Defence, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Commerce and Industries, National Security Council and National Security Directorate. Initial recommendation also suggested including members from ISAF and UNAMA to counter possible corruption. A complaint mechanism, which was suggested by UNAMA, has so far not been included.

#### **Ownership and registration requirements (companies and staff)**

1. Ownership (and shareholder-ship) is strictly limited to non-political individuals. Thus, neither the close family (second degree relatives) nor members of politicians (including party leaders), members of the judiciary, government officials (especially from the MoI, MoD, and National Directorate of Security, Attorney Generals Office), government departments and commissions are allowed to own a company. This includes the Afghan president and vice presidents.
2. All companies are required to hold a valid investment license from the Afghan Investment Support Agency (AISA). International PSCs are requested to deposit a bond of 15 million Afghani (about USD 300,000), and national PSCs a deposit of 10 million Afghani (about USD 200,000), into the Afghan Central Bank as security. A court can order payment from these bonds to individuals who have been harmed by PSC activities.
3. International PSCs need to prove international experience by possessing an operating license in another country than their country of origin). These documents need to be submitted to the Ministry of Foreign Affairs.
4. All companies are required to sign onto the code of conduct of the International Peace Operation Association (approved 1 April 2001 and amended on 31 March 2005).
5. All company owners and staff have to prove clean criminal records (Art.16) and valid visas for non-Afghans. Internationals will have to prove this via Interpol records and records of their home countries while local PSCs will have to be cleared from suspicions of human rights violations by the Afghan Independent Human Rights Commission (AIHRC). The issue of clean criminal record is reiterated in two different places in the regulation.
6. PSC staff, both national and international will have to provide an education certificate from a military academic institution or security educational centres (local staff) or higher security educational centre (international staff). This could be difficult for local staff, which never underwent any formal security training and may lead to a proliferation of such educational centres to be set up.

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<sup>318</sup> Information on modifications, which were introduced to the law in November was provided verbally by an UN official (interview 3 November 2007).

7. All PSCs need to provide the following information with their application for a license: organizational structure, period of activity, objectives and type of activity, number of personnel, type and number of weapons, ammunitions, vehicles and other equipments to be used, logo and uniform to be used.
8. Licenses are issued for three years, at which point the government may have worked out a law for PSCs. There was an earlier debate whether countrywide or provincial licenses should be issued.
9. Proper licenses for weapons and armoured vehicles need to be received in addition to the PSC registration license, and also licenses for communications equipment (this is to be received from the Ministry of Telecommunication). These licenses come at an additional cost (e.g., armoured vehicles licenses will cost USD 500 and weapon licences USD 250 for foreign nationals and USD 150 for local staff). It is stipulated to use the income from such licenses for expenses of the PSC coordination board in agreement with the Ministry of Finance and Interior. The Coordination board can further determine what type of weapons (and how many) a PSC should use for the work they do. National (Afghan) PSCs are currently not allowed to keep armoured vehicles, heavy and semi-heavy weapons (PKM machine gun, RPG cannon). International PSCs seem still be allowed to use those weapons.
10. The regulation stipulates that PSC uniforms are to be determined in agreement with the Mol and should not be similar to those worn by the ANA and ANP.

#### **Acceptable and unacceptable activities of PSCs**

1. The areas of engagement for PSCs is currently defined as (a much leaner list than in earlier drafts)<sup>319</sup> including security services in the area of transportation, logistics, training and assigning security personnel, alarm services and other security services in accordance with the provisions of this regulation.
2. PSCs are excluded from the following activities: protection of border; high way security; security of sensitive government localities and facilities as identified by the Mol (and National Security Council); security of sacred (religious) places; security of historical sites, mines and forest until transferred to private enterprises; carry out activities which are not part of the license granted; import, export, purchase and sell weapons, ammunitions and explosive materials.
3. In addition, the regulation reiterates (far more extensive than in earlier drafts) that the engagement in the following activities is strictly prohibited: political activities and campaign; provide payment of funds to political parties and candidates; participate, support, encourage or finance terrorism, assist the cultivation, production, process, sale and purchase, import and export, supply, stock, transport, own and use of drugs; employ people collectively and in groups (this is reiterated twice); use film, smoke-colour and black glasses for vehicles; and engage in other activities against the law. PSCs are also not allowed to import weapons and ammunition without the permission of the Mol.
4. The regulation prohibits the hiring of active duty personnel of the ANA and ANP.

<sup>319</sup> PSC Draft regulation (4th draft), early August 2007 version, current Art. 5. An earlier version included the additional Security Services: Securing an objective; transport; logistics; training or supervising bodyguards and security officials; alert and alarm services and other security services based on the provisions of this Rules of Procedure (leaving out actual security escorts and body-guarding). Technical Services: Includes code number locks, mechanical key making (automatic and semi-automatic) and other similar services. Security Advisory Service: Includes consultation for protecting properties, protection of properties of destruction, burglary, plundering; protect properties from the use of electromagnetic spying, recording and probing tools and other similar services and includes advice on other cases required for conduct of a PSC. PSC Draft Law, early June 2007 version, current Art. 5 (kinds of licences are in current Art. 9).

### Other issues

1. PSC need to coordinate their activities with the local police. The regulation stipulates a mutual assistance and protection in case of distress or state of emergency.
2. PSCs are obliged to pay regular income and customs taxes.
3. National PSCs are obliged to hand over their weapons, ammunitions, and equipment without costs to the Mol in the case of dissolution or end of activities. In previous drafts this was applied to all PSCs and is a heavily debated rule.
4. PSCs can be dissolved if it fails to report annually to the Coordination board, provides false information, or activities are found to be in contradiction with public interest. Prosecution according to Art. 213 of the criminal code that prohibits the formation of illegal armed groups for operation without license or according to the weapons law for operating without weapons licences were also discussed.<sup>320</sup>

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<sup>320</sup> Another heavily debated article in the initial drafts of the proposed PSC law (which has since been dropped) required PSCs "to [provide] 2% payment from its gross domestic product (GDP) as an administration fee for maintaining the expenditures of the board of arrangement for activities of private security organizations to the Ministry of Interior." (PSC draft regulation, March 2007, earlier drafts stipulated 5%). Such payment would go above and beyond regular taxes and duties to be paid to the Ministry of Finance. This article would also make the Mol a de facto profit-sharing partner of PSCs, which is considered anti-constitutional. Interview with UNAMA official, 29 March 2007.

## Appendix IV: Angolan law on private security companies



Sexta-feira, 31 de Julho de 1992

I SÉRIE — N.º 30

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**SUMARIO****Comissão Permanente da Assembleia do Povo**

Lei n.º 19/92:

Sobre as empresas privadas de segurança.

**Ministério das Finanças e Banco Nacional de Angola**

Despacho conjunto n.º 39/92:

Introduz algumas alterações no Documento de Arrecadação de Receitas — DAR, aprovado por Despacho conjunto n.º 20/91, de 9 de Março.

**Secretaria de Estado dos Assuntos Sociais**

Decreto executivo n.º 32/92:

Aprova o Regulamento Interno do Gabinete de Apoio e Acompanhamento às Províncias, da Secretaria de Estado dos Assuntos Sociais, que se publica em anexo ao presente decreto executivo e dele faz parte integrante.

transporte de valores, bem como a comercialização, instalação e assistência de equipamentos técnicos de segurança em residências e estabelecimentos comerciais, industriais e de serviços, impõe-se a definição de um quadro em que tais actividades podem ser desenvolvidas, tendo em atenção as orientações relativas aos novos rumos da economia nacional, a Lei n.º 10/88, das Actividades Económicas e a Lei n.º 13/88, do Investimento Estrangeiro, nas áreas que constituem reservas do Estado.

Isto porque constitui importante imperativo que tais empresas e associações actuem adstritas a um estatuto específico que as torne colaborantes das forças de segurança e ordem pública, em posição de subsidiaridade e agindo segundo parâmetros de legalidade e de estrita responsabilidade.

Nestes termos, ao abrigo do disposto na alínea b) do artigo 51.º e no artigo 61.º da Lei Constitucional e no uso da faculdade que me é conferida pela alínea g) do artigo 47.º da mesma Lei, a Comissão Permanente da Assembleia do Povo aprova e eu assino e faço publicar a seguinte:

**LEI SOBRE AS EMPRESAS PRIVADAS DE SEGURANÇA****CAPÍTULO I****Disposições Gerais****ARTIGO 1.º**

1. É permitido o recurso à segurança privada unicamente nos termos do presente diploma.

2. A prestação dos serviços de segurança privada previstos no presente diploma tem carácter subsidiário relativamente à actividade normalmente desenvolvida pelas forças de segurança e de protecção civil do Estado.

3. O Conselho de Ministros poderá, nos termos da Lei n.º 13/88, autorizar a realização de investimento estrangeiro nesta área.

4. O presente diploma aplica-se a todas as actividades de segurança privada, independentemente da designação que adoptem e das entidades a quem são prestadas.

**COMISSÃO PERMANENTE DA ASSEMBLEIA DO POVO**

Lei n.º 19/92  
de 31 de Julho

Preconizando-se a criação de empresas e associações que têm por objecto social a prestação de serviços pessoais de segurança e de vigilância na área industrial, comercial e de



Sexta-feira, 31 de Julho de 1992

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Isto porque constitui importante imperativo que tais empresas e associações actuem adstritas a um estatuto específico que as torne colaborantes das forças de segurança e ordem pública, em posição de subsidiaridade e agindo segundo parâmetros de legalidade e de estrita responsabilidade.

Nestes termos, ao abrigo do disposto na alínea b) do artigo 51.º e no artigo 61.º da Lei Constitucional e no uso da faculdade que me é conferida pela alínea g) do artigo 47.º da mesma Lei, a Comissão Permanente da Assembleia do Povo aprova e eu assino e faço publicar a seguinte:

### LEI SOBRE AS EMPRESAS PRIVADAS DE SEGURANÇA

#### CAPÍTULO I Disposições Gerais

#### ARTIGO 1.º

1. É permitido o recurso à segurança privada unicamente nos termos do presente diploma.

2. A prestação dos serviços de segurança privada previstos no presente diploma tem carácter subsidiário relativamente à actividade normalmente desenvolvida pelas forças de segurança e de protecção civil do Estado.

3. O Conselho de Ministros poderá, nos termos da Lei n.º 13/88, autorizar a realização de investimento estrangeiro nesta área.

4. O presente diploma aplica-se a todas as actividades de segurança privada, independentemente da designação que adoptem e das entidades a quem são prestadas.

## ARTIGO 2.º

A segurança privada pode ser exercida por:

- a) empresas singulares ou colectivas, para o efeito legalmente constituídas;
- b) sistemas de auto-protecção.

## ARTIGO 3.º

A segurança privada é exercida exclusivamente como meio preventivo de acções ilícito-criminais.

## ARTIGO 4.º

1. São proibidas as actividades de segurança privada que envolvam:

- a) investigação ou instrução criminal de qualquer tipo;
- b) instalação de sistemas de segurança susceptíveis de fazer perigar directa ou indirectamente a vida ou a integridade física das pessoas;
- c) instalação de equipamento técnico e a prestação de serviços pessoais susceptíveis de ofender ou ameaçar a integridade física ou moral dos cidadãos e os seus direitos fundamentais.

2. Ficam igualmente proibidas as actividades das empresas privadas de segurança que colidam com o desempenho das funções próprias das forças e serviços de segurança e de protecção civil do Estado.

## ARTIGO 5.º

A segurança tem por objectivo exclusivo:

- a) a protecção de bens móveis, imóveis e serviços;
- b) a vigilância e controlo do acesso, permanência e circulação de pessoas em instalações, parques, coutadas e reservas de animais abrangidos pelas concessões no quadro da privatização empresarial, edifícios e locais fechados ou vedados, nos termos da lei ao público em geral;
- c) a elaboração de estudos de segurança, o fabrico e comercialização de material de segurança e respectivos equipamentos técnicos;
- d) a vigilância e protecção às Embaixadas e Consulações acreditadas no País.

## ARTIGO 6.º

Para a realização dos fins previstos nas alíneas a), b) e d) do artigo anterior, são permitidos:

- a) a prestação de serviços por pessoal de segurança;
- b) o transporte de fundos e valores, designadamente com uso de veículos especiais;
- c) a instalação e manuseamento de equipamento de segurança, com observância dos condicionamentos legais.

## CAPÍTULO II

## Das Empresas de Segurança Privada

## ARTIGO 7.º

1. A prestação de serviços de segurança privada a terceiros depende de autorização do Ministro do Interior, mediante parecer do Comandante Geral da Polícia.

2. Os pedidos de autorização devem identificar a entidade singular ou colectiva ou equiparada, indicar o tipo de actividade a exercer e o seu âmbito territorial e ser instruídos com os seguintes elementos:

- a) certidão de nascimento do comerciante, no caso de empresas singulares, certidão de escritura de constituição de sociedade ou cooperativa e, em qualquer caso, certidão de registo criminal;
- b) identificação e residência dos directores e, no caso de pessoas colectivas, dos responsáveis pela administração;
- c) demonstração da existência de instalações adequadas.

## ARTIGO 8.º

Concedida a autorização, o despacho deve ser notificado ao requerente, que no prazo de 60 dias, renovável por uma só vez, apresentará os projectos de modelos de uniforme a utilizar e os respectivos distintivos, bem como os modelos de cartões de identificação pessoal, os quais não devem prestar-se a confusão com os das forças e serviços de segurança e de protecção civil do Estado.

## ARTIGO 9.º

A concessão de autorização será comunicada ao Comando Geral da Polícia que, por sua vez, comunicará aos Comandos dos vários escalões.

## CAPÍTULO III

## Do Pessoal de Segurança Privada

## ARTIGO 10.º

1. São requisitos mínimos de admissão como pessoal de segurança privada:

- a) maioridade;
- b) ser cidadão nacional;
- c) ausência de condenações por crime doloso, comprovada mediante certificado de registo criminal;
- d) aptidão física e sanidade mental;
- e) serviço militar obrigatório cumprido.

2. Tendo em conta as características da actividade a exercer, os integrantes das empresas privadas de segurança prestarão juramento similar ao das forças da ordem pública após o período de preparação a que forem sujeitos, antes de darem início às respectivas funções.

## ARTIGO 11.º

1. O pessoal de segurança privada tem direito ao uso e porte de arma de defesa nos termos do regime geral previsto na lei.

2. Em serviço, o porte de arma de defesa só é admitido se autorizado pela empresa privada de segurança.

3. O pessoal de segurança a quem for autorizado o porte de arma de defesa em serviço, fica obrigado a treino periódico de tiro e manuseamento de arma, em termos a definir pelo Ministro do Interior.

## ARTIGO 12.º

1. É obrigatório o uso de uniforme em todas as circunstâncias em que a actividade de segurança privada for exercida.

2. Poderá, no entanto, sob parecer do Comando Geral da Polícia, ser dispensada pelo Ministro do Interior a obrigatoriedade a que se refere o número anterior, na vigilância fixa de instalações ou edifícios sempre que, em razão da especificidade do serviço e técnica habitual de execução, tal se torne desaconselhável.

## ARTIGO 13.º

O pessoal de segurança privada, quando em serviço, será portador do cartão de identificação do modelo próprio, através do qual se identificará sempre que solicitado pelos agentes ou funcionários das forças e serviços de segurança de ordem pública.

## CAPÍTULO IV

## Dos Deveres Especiais

## ARTIGO 14.º

As empresas de segurança privada obrigam-se a organizar os ficheiros individuais do seu pessoal de segurança e a mantê-los actualizados.

## ARTIGO 15.º

Constituem deveres especiais a observar pelas empresas de segurança privada:

- a) dar imediato conhecimento à autoridade judicial ou policial competente de qualquer crime público de que tenham conhecimento no exercício das suas funções, ou que esteja na eminência de ser cometido;
- b) evitar que a actuação do seu pessoal possa ser confundida pelo público com a dos elementos das Forças Armadas ou das forças e serviços de segurança e de protecção civil do Estado;
- c) remeter ao Comando Geral da Polícia, lista nominal do respectivo pessoal de segurança e documentação comprovativa da observância das regras mínimas exigidas pelo artigo 10.º e das que vierem a ser estabelecidas, e comunicar trimestralmente as alterações que ocorrerem;
- d) apresentar ao Comando Geral da Polícia o inventário do armamento e munições cujo uso autorizam, e comunicar trimestralmente as alterações entre tanto verificadas;
- e) comunicar previamente à autorização policial territorialmente competente os serviços previstos na alínea b) do artigo 6.º.

## ARTIGO 16.º

Constituem deveres especiais a observar pelo pessoal de segurança privada:

- a) comunicar de imediato à autoridade judicial ou policial mais próxima qualquer público de que

tenha conhecimento no exercício das suas funções;

- b) em caso de intervenção das forças de segurança pública no local onde se encontre em exercício de funções, submeter-se ao seu controlo, prestando colaboração, se pedida.

## ARTIGO 17.º

1. As empresas de segurança privada e o seu uso, respectivo pessoal de segurança estão sujeitos ao sigilo profissional.

2. A obrigação de sigilo profissional apenas cede face aos interesses da justiça criminal.

## ARTIGO 18.º

As empresas de segurança privada têm o dever de prestar às autoridades judiciais e policiais toda a colaboração que legitimamente lhes seja exigida.

## CAPÍTULO V

## Auto-Protecção

## ARTIGO 19.º

1. As empresas, singulares ou colectivas podem exercer as actividades previstas nas alíneas a) e b) do artigo 5.º para protecção do seu património, mediante a organização de serviços internos de segurança.

2. A organização dos serviços a que se refere o n.º 1 é efectuada através do recurso exclusivo a funcionários incluídos nos quadros de pessoal da empresa.

## ARTIGO 20.º

Para efeitos previstos no artigo anterior, devem essas empresas observar o disposto na alínea c) do artigo 15.º.

## ARTIGO 21.º

1. A organização dos serviços de auto-protecção incluindo o uso de sistemas de alarme ou de segurança carecem de autorização nos termos da lei.

2. Aos serviços internos de auto-protecção aplica-se, no entanto, com as necessárias adaptações, o disposto nos artigos 10.º, 14.º, 15.º alíneas a) e b), 16.º, 17.º e 18.º do presente diploma.

## CAPÍTULO VI

## Da Fiscalização

## ARTIGO 22.º

1. A fiscalização das actividades de segurança privada é assegurada pelo Comando Geral da Polícia.

2. Para efeitos do disposto no número anterior pode, a todo o momento, ser inspecionada a execução prática dos serviços de segurança privada, de harmonia com a competência territorial daquelas forças.

## ARTIGO 23.º

O Ministério do Interior, através do Comando Geral da Polícia, organizará o ficheiro do pessoal de segurança das entidades que mantenham sistemas de auto-protecção, assim como o registo do armamento e munições, em conformidade com as comunicações a que se referem os artigos 15.º, alínea d) e 21.º.

## CAPÍTULO VII

## Das infracções

## ARTIGO 24.º

1. Os factos praticados com violação das obrigações impostas no presente diploma serão considerados infracções e, como tal, sem prejuízo, para o disposto noutras leis, poderão ser punidos com as seguintes sanções acessórias:

- a) apreensão dos objectos que sirvam à prática da infracção e que representem um perigo para a comunidade, quanto à prática do crime;
- b) revogação ou suspensão da autorização concedida para o exercício da actividade de segurança privada;
- c) interdição do exercício de profissão ou de actividade por período não superior a 2 anos.

2. Se o mesmo facto constituir também crime será o agente punido por este, sem prejuízo das sanções previstas no número anterior.

## ARTIGO 25.º

É competente para aplicação das sanções previstas no artigo anterior, o Ministro do Interior, mediante propostas do Comando Geral da Polícia.

## ARTIGO 26.º

Quem exercer actividade de segurança privada para a qual não esteja autorizado, será punido com multa de NKz 250.000.00 a NKz 1.000.000.00.

## CAPÍTULO VIII

## Das disposições finais e transitórias

## ARTIGO 27.º

1. As empresas singulares ou colectivas que já exerçam quaisquer actividades previstas no presente diploma têm o prazo de 30 dias, a contar da vigência deste, para se constituírem em conformidade com o que nele se preceitua.

2. Sobre a sua situação recairá despacho do Ministro do Interior, nos termos dos artigos 7.º, 8.º e 9.º.

## ARTIGO 28.º

O fabrico e a comercialização do material de segurança e equipamento técnico a que se dediquem as empresas de segurança privada serão objecto de regulamentação autónoma.

## ARTIGO 29.º

O presente diploma não se aplica aos guardas-nocturnos, cuja actividade é regida por regulamento de polícia.

## ARTIGO 30.º

As dúvidas e omissões que se suscitarem na interpretação e aplicação desta lei, serão resolvidas por despacho do Ministro do Interior.

## ARTIGO 31.º

A presente lei entra imediatamente em vigor.

Vista e aprovada pela Comissão Permanente da Assembleia do Povo.

Publique-se.

Luanda, aos 25 de Novembro de 1991.

O Presidente da República, JOSÉ EDUARDO DOS SANTOS.

## MINISTÉRIO DAS FINANÇAS E BANCO NACIONAL DE ANGOLA

### Despacho conjunto n.º 39/92

de 31 de Julho

Considerando a necessidade de se introduzir algumas alterações no Documento de Arrecadação de Receitas — DAR, aprovado por Despacho conjunto n.º 20/91, de 9 de Março, de modo a torná-lo mais ajustado para a arrecadação de todas as receitas do OGE:

Nos termos do artigo 69.º da Lei Constitucional, determina-se:

Artigo 1.º — O Documento de Arrecadação de Receitas — DAR, instituído pelo Despacho conjunto n.º 20/91, de 12 de Março, a utilizar na arrecadação das receitas do OGE, passa a ter a configuração do modelo em anexo, que faz parte integrante do presente despacho conjunto.

Art. 2.º — O modelo do Documento de Arrecadação de Receitas — DAR, objecto do presente despacho conjunto, mantém as mesmas características técnicas do modelo inicialmente aprovado.

Art. 3.º — Os impressos de modelo original do DAR, enquanto não se esgotarem, serão utilizados apenas na arrecadação das receitas de impostos internos.

Art. 4.º — A Direcção Nacional de Impostos articulará com a Direcção Nacional das Alfândegas a impressão do Documento de Arrecadação de Receitas — DAR e a sua distribuição pelas diversas repartições aduaneiras, por forma a atender às solicitações do público.

Publique-se.

Luanda, aos 1 de Agosto de 1991.

O Ministro das Finanças, *Aguinaldo Jaime*. — O Governador do BNA, *Fernando Teixeira*.

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