Eroding the State: Privatised Security and the Challenges to Global Security Governance

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1. Introduction

Today privatised security includes rural non-state security actors, global private security/military companies, private prisons and even efforts to expand in peacekeeping operations [1]. This transformation of the international security ‘chessboard’ with powerful non-state actors has redefined the boundaries between public/private and local/global, shifting the balance of power and authority [2]. This essay addresses the (re)emergence of the privatisation of security after the end of the Cold War and the challenges that it poses to security governance and more specifically the state. Although these challenges include several issues such as human rights violations, exacerbation of conflicts and legitimacy, for the sake of brevity I limit the scope
on two issues. It will explore the probing issue of the erosion of the state which has implications on the local, regional and global spectrum and the ways in which these challenges can be tackled.

2. Security governance and the rise of the PMC’s

Private security is the transformation of traditional mercenary activities into new forms. These new forms of activities are undertaken either by Private Military Companies (PMCs) or Private Security Companies (PSCs) which have seen an exponential growth since the 1990’s [3]. The former are corporate entities that provide multi-purpose security-related products and services. Such services consist of temporary armies, provision of war material and logistics, military advise and intelligence gathering for clients [4]. The latter provide most of the above services with the exception of direct combat missions. However, it is important to note that the distinction between the two is not as clear as it seems as PSCs are sometimes subsidiaries of PMCs (ibid). To complicate things even more, transnational companies like DynCorp and the UK-based Systems Ltd comprise of the grey zone between the former two distinctions. Thus, distinctions are hard to make as private security services and interests overlap and the lines are blurred. Although the privatisation of security was far from absent during the 19th and 20th centuries and the monopoly of violence from the state was the exception rather than the rule [5], numerous theoretical approaches have sought to contextualise the (re)emergence of the PMCs in global governance after the Cold War. The main factors in the academic literature explaining the rise of PMC’s consist of: 1) the increasing demand of small conflicts and the willingness of the superpowers to intervene [6]; 2) the scepticism and the interest-driven attitude of Western governments towards international peacekeeping [7]; and 3) the reductions in defence budgets after the end of the Cold War.

3. The erosion of state control and authority

One of the greatest contemporary challenges privatised security poses to security governance is the critical transformation of the central norms like ideology and national sovereignty in international security policy-making [8]. Until 2002, the UK’s Ministry of Defence has outsourced £1.4 billion worth military services with plans to outsource another 90 projects worth almost £6 billion for a variety of purposes [9]. Similarly, the US until 2007 had 160,000 military contractors operating only in Iraq [10]. Government projects like the former have come to be the rule rather than the exception nowadays with global defence corporations and private military firms like Lockheed Martin, BAE Systems, EADS and Thales dominating in a wide range of functions which have been regarded as the monopoly of the state. As Singer (ibid) notes, during the US invasion in Iraq in 2003 private military contractors maintained and operated some of the most sophisticated combat systems of the US army such as the Navy’s Aegis missile defence system. In Iraq until recently, PMCs were were in charge of operations ranging for combat missions to
transporting ammunition and fuels (ibid). Outsourcing military services has two main reasons. The most obvious one is that it is an attempt to increase efficiency and reduce the costs and the risks of uncoordinated government projects. The second one resides in the difficulty for governments to secure parliamentary budget approvals for projects with high initial costs. Thus, by outsourcing military service contracts and spreading them over long-term periods like 10 or 20 years the governments achieve to evenly spread the costs and secure the approval which otherwise would be politically impossible (ibid). However, what is being ceded at the same time is far more important. The involvement of PMCs in the definition of security threats, the policies required and their implementation has made governments more and more dependent [11]. The advantages on the expertise and information of PMCs on the one hand, and the erosion of the expertise of the public agencies on the other has made it possible for PMCs to influence governmental security policies at a global level [8]. Furthermore, the concentration of military services in a few large corporations like DynCorp-CSC and Group 4-Securior is limiting the choices of the governments [12]. A telling example of this state dependency on PMCs is that even after the deception of Kellogg Brown and Root (KBR) to the US government by overcharging it approximately by $2 billion for the provisions of food in Iraq, the US government has not suspended the contract so as not to cause interruptions to the services provided to the US military [13]. Even more striking though is the fact that a few years ago, the same company has been criticised by the US Government Accounting Office (GAO) for exploiting a similar indefinite-delivery contract in Kosovo to boost its profits [14]. What these examples portray is a loss of governmental control over security policy to the private security providers. As Singer [10] argues the state dependency is so grave that in the case of the US in Iraq “the U.S. is locked in a vicious cycle. It can’t win with them, but can’t go to war without them”. These governance failures as many academics interpret them [15] reside in the fact that the fragmentation of the centralised system which has occurred in the security sector in terms of the geographical, functional and resource distribution dimension has not been followed by the progression of government mechanisms like the decision-making and implementation.

4. Tackling the challenges

The aforementioned challenges and the debates they have sparked fall under the wider scope about the privatisation of government functions [16]. Since the privatisation of security has grown so much to the extent that governments are relying to these companies, simply condemning their actions is not enough. PMCs have become a ‘necessary evil’ and the only way to tackle the challenges they pose is strict and effective national and/or international regulation. There are three mechanisms by which the privatisation of security can be governed: self-regulation, contractual obligation and regulation. Self-regulation is the first possible way to improve transparency and accountability of the PMCs. It is a set of rules that can be applied either to individuals or companies such as licensing, standards of security and insurance, and
A major attempt to self-regulate PMCs was the introduction of a voluntary ‘Code of Conduct’ by the International Peace Operations Association which a number of PMCs like Blackwater and ArmorGroup, an affiliated company of G4S, have already signed [17]. Similarly, attempts have been made by other PMCs introducing their own ethics codes and training standards as a way to improve transparency and regulate themselves as well as by the British Security Industry association which has set standards and requires certificates that PMCs need to subscribe to [3]. Although these are some positive efforts to regulate PMCs, it needs to be noted that not only have they been limited, but they also lack one major criterion: it is extremely difficult to be monitored. Therefore, whether these set of guidelines are being respected or not depends solely on the PMCs. Contractual obligations consist of the second mechanism to improve transparency, accountability and control of the privatisation of security. Although contracts are somewhat similar to self-regulation in the sense they are a set of rules that PMCs have to follow, they have one major advantage: since they consist of agreements between governments and the private industry, it means that the former regain control. In other words, contracts can give governments the ‘power’ to ensure PMCs data, contracts and operations are made available to the public, and more importantly to define the goals and the penalties for the latter [15]. Thus, contractual obligations will make it almost impossible for PMC’s to evade national controls whether operating nationally or abroad [3]. However, similar to self-regulation, contractual obligations have limitations as well. The first limitation lies in the fact that although governments will be able to control PMCs that operate with them, they will face difficulties controlling the ‘private/private’ relations, meaning the contracts between PMCs and other private businesses (ibid). The second limitation is the inconsistencies between theory and practice. This means that although in theory contracts will enable governments to control private industry sector, in practice, the increasing complexity of PMCs’ contracts and missions makes it really hard for governments to monitor their actions in order to see if they comply with the rules [18]. The last mechanism is national and international governmental regulation which is based on the same standards and rules of self-regulation and contractual obligations. The main advantage of this mechanism is that whereas contractual obligations might fail to control PMCs when they are employed by other private actors, governmental regulation can succeed. Alike the former two mechanisms, governmental regulation can tackle the issues of accountability, state control, transparency and efficiency of the private military industry. This mechanism has become very popular especially in North America and Europe with national and regional efforts to regulate the activities of PMCs. Examples of these efforts constitute background checks for companies, mandatory training and more strict requirements for the use of weapons [19]. Thus, governmental regulation consists of an effort to address the normative and practical ‘governance failures’ that the fragmentation of the security sector has created. As such, it can be seen as a return from ‘governance’ to ‘government’ structures and functions [3].
5. Conclusions

What has become apparent though the analysis of the private military industry is that it poses immense ethical normative and practical challenges from the very local to the global level. Whatever is the reason of this (re)emergence of the private military companies, they have come to represent a very important aspect of the security governance spectrum. For example, someone cannot adequately capture the war in Iraq without referring to PMCs [10]. Another issue that becomes apparent is that PMCs have come to stay. They have filled the gap that public sector cannot fill and sometimes they do it successfully. Thus, effective regulation of any form that ensures transparency, accountability and respect on the international law is a top priority and the only way to forward for both governments and private military contractors.

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