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# *Security Sector Governance Programme*



**Summary Report of the  
Seminar on Role of the Private Security Sector in African Conflicts**

**ISS Conference Room, Pretoria  
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**Compiled by**

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## ***Introduction***

On 22 June 2009, the institute for Security Studies (ISS) hosted a seminar on the Role of the Private Security Sector in African Conflicts. The seminar was held under the auspices of the ISS project on the *Involvement of the Private Security Sector in African Conflicts, Peacekeeping Missions and Humanitarian Assistance Operations*, which is funded by the International Development Research Centre.

The main speaker was Mr Doug Brooks who is the President of Association of the Stability Operations Industry based in Washington DC. The Respondent was Mr. Lawrence Juma, a Senior Lecturer at the Nelson R. Mandela School of Law, University of Fort Hare, South Africa. Mr Sabelo Gumedze, a Senior Researcher at the ISS attached to the Security Sector Governance Programme, chaired the Seminar while Ms Marelie Maritz, an Intern at the ISS, acted as Rapporteur for the Seminar.

## ***About the Main Speaker***

Mr Doug Brooks is the President of IPOA, the Association of the Stability Operations Industry. IPOA is a nongovernmental, non-profit, nonpartisan association of service companies dedicated to providing ethical services to international peacekeeping, peace enforcement, humanitarian rescue, stabilization efforts and disaster relief. Mr Brooks is a specialist on private sector capabilities and African security issues and has written extensively on the regulation and constructive utilization of the private sector for international peacekeeping and humanitarian missions. Mr Brooks has appeared on countless TV and radio programs and has lectured at numerous universities and colleges.

Mr Brooks has a BA in History from Indiana University and an MA in History from Baylor University, with additional doctoral studies at the Graduate School of Public and International Affairs, University of Pittsburgh. He has worked as a teacher in Kambuzuma Township in Harare, Zimbabwe, at the Library of Congress, at the National Archives, and the Institute of International Education (IIE). Previous to founding IPOA he was an academic fellow at the South African Institute for International Affairs from 1999-2000.

## ***The Main Presentation***

In his presentation Mr Brooks explained why states are increasingly likely to make use of private security operators rather than their own state resources. He explained that private security contractors have capacity the capacity, which sometimes surpasses those of many states. Mr Brooks maintained that it is cost effective to make use of these private contractors. He indicated that around 90 percent of private security contractors used by states are logistic and support companies. The other ten percent of the market consists of companies providing private security, such as security guards, and assistance with security sector reform and development. He further indicated that these companies could not be classified as mercenaries as they do not fit within the definition of mercenaries in article 47 of the Additional Protocol to the Geneva Conventions.

Mr Books pointed out that Western states' involvement in peacekeeping operations had steadily decreased since 2002 and that they had abrogated their responsibility when it comes to peacekeeping. Although the militaries of developing states are willing to assist in peacekeeping operations they do not have enough resources and are unlikely to be successful. This is the arena where private security companies played a major role. He noted that these companies are willing to undertake peacekeeping operations and have resources and tools to do so successfully.

He further indicated that private security companies make use of local employment in as far as it is possible. If these companies do not make use of locals they use nationals from developing countries and only thereafter make use of the so-called third country nationals in their operations. He was of the opinion that private security companies played a positive role where they were used. Among other things, private security contractors reduce logistical burdens, offer durability, capability and specialization, and reduce the military footprint.

Mr Brooks further indicated that all private security companies that belong to IPOA must comply with a code of conduct. There are companies who do not comply with voluntary codes and standards as this costs more money and reduces these companies competitiveness. He stated that some clients who hire these companies do not mind the companies past performance and ignore norms and standards. This all contributes to problems with some private security companies.

Mr Brooks, however, indicated that IPOA promotes respect for international legislation and that there are complaints procedures that could be followed when one of its members was involved in misconduct. Any person witnessing an IPOA member involved in misconduct can file a complaint report. Notices to spread awareness of the complaints procedure are put up in the offices of NGO's in states where members of IPOA are active.

Mr Brooks concluded his presentation by indicating that private security companies are successful at creating peace. They should be allowed to participate in such operations as long as they follow the correct ethics and standards.

### ***Respondent's Remarks***

Mr Lawrence Juma, who was tasked with responding to Mr Brooks' presentation, put forward five major points that he felt still required some debate after the main speaker's presentation. Firstly, he was of the opinion that the debate seemed to be largely driven by the private security companies. He mentioned that this was not fair, as it did not reflect the viewpoints of other sides. It is also important within the African context to question the issue of mercenaries and whether we have come to a point where we can distinguish between mercenaries and private security companies.

Secondly, Mr Juma touched on the issue of fragile states and he posed a question as to who should hire private security companies. He felt that this should be a point of discussion as most African conflicts are internal conflicts. He was of the opinion that there are fundamental problems with the notion of peacekeeping, which caused Western states to withdraw from peacekeeping operations and indicated that this led to other debates such as the reform of the United Nations.

Thirdly the Respondent posed a question on what tasks private security companies should be allowed to do and those that should not be allowed. He also questioned whether private security companies were the right organs to resolve conflict.

Fourthly, Mr Juma indicated that the existing laws that govern private security companies might be lacking and that we might need another instrument for regulation. He was of the opinion that the *Montreux*

*Document on Pertinent International Legal Obligations and Good Practices for States related to the Operations of Private Military and Security Companies during Armed Conflict* is a triumph for private security companies as it is the first international document which recognizes that private security companies are different from other entities like mercenaries.

Lastly, Mr Juma felt that it is important that the security debate should be broadened. We should also discuss emerging threats like terrorism when we discuss security as this influences reaction to security problems in Africa.

### ***Discussion***

After the presentations the Chair of the Seminar, Mr Sabelo Gumedze, opened the floor for comments and questions about the subject matter. During the discussion a concern was raised over the use of force and private security companies. The use of force puts private security companies in the realm of International Humanitarian Law and this in itself has its own set of challenges. It was also indicated in the discussions that the reason for diminished Western involvement in peacekeeping missions was quite simple and centered around the fact that it was not in the national interest of Western states to get involved in peacekeeping missions. A member in the audience did not agree with the view that the security debate should be broadened as they felt that this would cause the debate to loose focus.

A concern was also raised about the other ten percent of private security companies who are not involved in logistics and support operations, and the opinion was raised that private security companies should not be involved in other operations than logistics and support. A question was raised about Mr Brooks' reference to private security companies as opposed to private military and security companies and in response the main speaker indicated that he uses the term private security companies because the employees of these companies are civilians and not part of the military. He felt the using the term "military" would cause unnecessary confusion.

### ***Closing Remarks***

In closing and on behalf of the ISS, Mr Gumedze expressed an appreciation to the main speaker, the respondent and the participants who attended the ISS Seminar on a very interesting yet controversial subject of private

security and its role in African Conflicts. He also mentioned that Mr Brooks was to be interviewed by E News Channel on the evening of 22 June 2009.