

## Executive Summary

### Private Security Companies and Local Populations.

#### An exploratory study of Afghanistan and Angola

The role and effects of private security companies (PSCs) have been discussed from various angles in the past. While much attention was paid to the legal status of PSCs or their potential impacts on the role of the state, little consideration was directed towards the influence of PSC activities on local populations. Only little information is available on how local populations perceive PSCs and what the impact of their activities may be on peoples' every day lives.

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, in the two cases of Afghanistan and Angola. For the report, qualitative research methods were applied. The main methods for the case study on Afghanistan were semi-structured interviews with key stakeholders, focus group discussions with the civilian population in three different regions of the country, as well as a literature and media review. The Angolan case study relies exclusively on desk research (literature and media review) and semi-structured phone interviews, mainly with non-governmental organizations.

#### **Afghanistan Case Study**

PSCs began to enter Afghanistan after the US-led invasion of the country, in 2001. So far, a mix of local and international security companies are active in Afghanistan. Between 18,500 and 28,000 individuals are assumed to be employed in this sector, offering a wide range of services, including the guarding of people and sites, training, or logistics support for military operations.

About two years ago, the government of Afghanistan set a law-making process in motion, but up to now, no final legal regulations have been passed. Various elements of the current draft PSC regulation are still being debated, including issues concerning the licensing process, staff identification, the weapons used and general requirements for PSC owners and staff.

One of the main findings of the Afghanistan case study with respect to the local population is that there is a great degree of confusion as to the nature of PSCs and the services that they provide. A lack of transparency contributes to a blurring among international PSCs and international military actors (e.g., International Security Assistance Force - ISAF/NATO or Coalition Forces); international PSC staff and the international civilian community; local PSCs and illegal armed groups; and local PSCs and local security forces.

Overall, PSCs are not seen in a positive light in Afghanistan. While PSCs may provide security for their clients, they are considered not to enhance the security of the general population. Much rather those interviewed suggested that the PSC presence leads to a sense of distrust or even insecurity. Several reasons were named for this, including the legitimization and empowerment of local power-holders and militias when PSCs hire them or otherwise collaborate with them; the heavy armament of PSCs; the impolite and "bad" behaviour towards the local population; the reported links of PSCs to criminal activities; and the

concern that PSCs divert scarce resources from Afghanistan's reconstruction, given the (high) costs of their services.

Most of the concerns raised by those interviewed are linked to the inherent problems related to insufficient transparency, lacking legal regulations and inappropriate monitoring. PSC regulation (and appropriate implementation) seems extremely necessary in Afghanistan in order to provide an incentive for good behaviour and to prevent misconduct as well as illegal business practices.

### **Angola Case Study**

Angola was one of the first countries where in the early 1990s, the phenomenon of commercial security companies was observed. Since the last peace accord of 2002, the number of PSCs multiplied in the country. At least 300 PSCs with about 35'000 staff are assumed to exist in Angola. While international companies used to be very active in the past, local companies have dominated the security market in the country since the mid-1990s.

The national legal framework in Angola is much more developed than in Afghanistan. In 1992, a law on private security companies was passed and additional legal provisions are contained in the so-called diamond laws from 1994, formally regulating elements such as PSC supervision and monitoring, arms procurement, staff recruitment procedures and training standards.

Similar to the Afghan case, those interviewed in Angola revealed a predominantly negative view towards PSCs. Among the most controversial issues are conflicts of interests arising from the fact that senior military and government officials own the most important PSCs in Angola and hold key positions in the national economy. Another important issue raised is the blurred relationship between public and private security forces. Division of roles and areas of cooperation are regulated by law, but its provisions are undermined by conflicts of interest resulting from the ownership structure of the PSCs dominating the market. This is perceived to perpetuate a culture of distrust towards state institutions, particularly in the diamond regions where PSCs appear to have the most negative effect with regard to security and the respect for fundamental rights of the local population.

One of the central lessons from the Angolan case is the relevance of accountability and effective implementation of existing laws. Despite the relatively detailed regulatory framework for PSCs in Angola, insufficient implementation appears to be a major issue for both the police authorities and non-governmental organizations. Lack of supervision and accountability concerning the type of arms used by PSCs as well as their recruitment and training practices are the main areas of concern. The prevailing use of "weapons of war" by PSCs is perceived to perpetuate a culture of violence, impunity and fear. The disrespect for national labour laws and underpayment of staff is widely considered to fuel criminal activities of security guards. Although increased efforts have been made in recent years to push for enforcement, law implementation is still insufficient.

### **Discussion and Recommendations**

One of the central findings from the two cases is the overall negative view of those interviewed towards PSCs. Although allowance must be given to the fact that the selection of the interview partners (no clients of PSCs) may contribute to a biased perspective on security companies, the resentment expressed by the local population and civil society representatives should concern not only PSCs but also their clients, host governments and the international community.

The study suggests that PSCs contribute to a sense of distrust and insecurity among those interviewed. The main reasons for this may be:

1. an overall lack of transparency regarding PSCs, with respect to hiring practices, mandates, identification, accountability and supervision;
2. the heavy armament and insufficient arms licensing practices of PSCs;
3. a lack of regulation (respectively lacking implementation) as well as a lack of training and staff supervision and related bad conduct by PSC staff;
4. PSCs are often perceived to reinforce the weakness of the state and public security forces.

However, interview partners also highlighted the positive economic effects that PSCs may have with regard to employment, increased spending activities etc. These aspects were raised despite some qualifications concerning potentially inadequate pay and the lack of capacity-building in the form of training.

Based on these observations a set of lessons as well as general and process-oriented recommendations are presented. Among others, it is suggested that the seemingly widespread resentment against PSCs should be addressed by various actors, including the PSCs themselves, their clients, host governments and the international community in order to effectively consider the concerns raised by civil society representatives and the local population. Main recommendations include the following:

Host governments should:

- regulate PSCs as soon as capacities allow and focus on initial regulation that can be easily implemented until capacities allow for more comprehensive laws.
- establish an independent, public and easy to access complaints mechanism where the local population and civilian international actors can file their complaints and concerns.
- establish clear rules concerning the procurement and licensing of weapons 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 records.

PSCs should:

- assure clear identification of PSC staff and vehicles (IDs, clearly distinguishable uniforms, special number plates for vehicles).
- make training an important and ongoing element of quality service. This should also include training on appropriate behaviour in interactions with civilians.
- Clients of PSCs should consult with local communities on the impact of the intended security arrangements and monitor the quality of the companies hired.

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