

Private Security Companies and Local Populations.

An exploratory study of Afghanistan and Angola



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Acronyms

ACBAR	Agency Coordinating Body for Afghan Relief
AIHRC	Afghan Independent Human Rights Commission
AISA	Afghan Investment Support Agency
ANA	Afghan National Army
ANP	Afghan National Police
ANSO	Afghanistan NGO Safety Office
Ascorp	Angola Selling Corporation
BAPSC	British Association of Private Security Companies
CabGoC	Cabinda Gulf Oil Company
CIU	Criminal Investigation Unite (at the Afghan Ministry of Interior)
CF	Coalition Forces
CSTC-A	Combined Security Transition Command - Afghanistan
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
VSS	Vigilant Security Services
V.S.S.B.	Vigilância e Sistemas de Segurança Bancária SARL
WSI	World Security Initiatives

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

Executive Summary

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.

I Main Introduction

Over the last two decades, the emergence and 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. After a first phase of rather descriptive studies on the involvement of PSCs in conflicts, there has been an increasing emphasis on analytical and normative contributions,² including studies on PSCs' legal status, questions of accountability, as well as options for regulations.³ Yet, so far little attention has been paid to how PSCs affect local populations in the countries in which they operate. A better understanding of how private security firms influence the lives of third parties and how local populations view PSCs seems, however, particularly 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.

PSCs are hired by a diverse clientele such as governments, private sector companies, humanitarian organizations or individuals. In addition to providing security to their clientele, the activities and presence of PSCs, however, may have unintended consequences not only for those that employ them but also for third parties. PSCs may in fact influence their environment and local populations in regions where these companies are deployed. A particularly grave illustration for effects on the local population is the recent Blackwater-incident in Iraq, where civilians were accidentally killed by a commercial security provider.⁴ Yet, relatively little is known on what bearing PSCs have on people's everyday lives and how the general population perceives PSCs. While a number of studies and initiatives⁵ acknowledge the importance of considering the impact of PSCs on local populations, systematic and focused work taking into account the experiences of local populations with the private security sector is still scant. This gap might mainly be due to the lacking awareness regarding the influences of PSCs on local populations, the difficulties in conducting

² See e.g., Thomas Adams. 1999. The New Mercenaries and the Privatization of Conflict. *Parameters*, 103–116; Mark Duffield. 2001. *Global Governance and the New Wars. The Merging of Development and Security*. London, Zed Books; David Isenberg. 1997. *Soldiers of Fortune Ltd.: A Profile of Today's Private Sector Corporate Mercenary Firms*. Washington DC, Center for Defense Information; Anna Leander. 2002. Global Ungovernance: Mercenaries, states and the control over violence. CIPRI, IIS Working Papers, 4; Anna Leander. 2005. The Market for Force and Public Security: The Destabilizing Consequences of Private Military Companies. *Journal of Peace Research*, 42:5, pp. 605-622; Anna Leander. 2006. Eroding State Authority? Private Military Companies and the Legitimate Use of Force. CeMiSS, Centro Militare di Studi Strategici; Peter Lock. 1998. Military Downsizing and Growth in the Security Industry in Sub-Saharan Africa. *Strategic Analysis*, 22; William Reno. 1998. Warlord Politics and African States. Boulder, Lynne Rienner; David Shearer. 1998. Private Armies and Military Intervention. International Institute for Strategic Studies, *Adelphi Paper*, 316; Peter W. Singer. 2003. *Corporate Warriors: The Rise of the Privatized Military Industry*. Ithaca, NY, Cornell University Press.

³ See for instance: International Review of the Red Cross. 2006. Private military companies. No. 863; Rita Abrahamsen / Michael C. Williams. 2006. Security sector reform: Bringing the private in. *Conflict Security & Development*, 6:1; James Cockayne. 2006. Commercial Security in Humanitarian and Post-Conflict Settings. An exploratory study. International Peace Academy; Caroline Holmqvist. 2005. Private Security Companies. The case for regulation. *SIPRI Policy Paper*, 9; Anna Richards / Henry Smith. 2007. Addressing the role of private security companies within security sector reform programmes. *Journal of Security Sector Management*, 5:1.

⁴ For example Steven Fainaru. 2007. Where Military Rules Don't Apply. Blackwater's Security Force in Iraq Given Wide Latitude by State Department. *Washington Post*, Sep 20, A01.

⁵ For example Rita Abrahamsen / Michael C. Williams. 2007. Introduction: The Privatisation and Globalisation of Security in Africa. *International Relations*, 21:2, p. 131; Voluntary Principles on Security and Human Rights. 2000. (<http://www.voluntaryprinciples.org/>).

fieldwork in highly volatile contexts where the majority of PSCs work and in accessing information on sensitive security issues.

Terminology

Given the complexity and relative newness of the phenomena studied, it is important to describe the central terms of this report – “private security companies” and “local population” - as clearly as possible. However, the notion “private security industry” is particularly difficult to define. In fact, due to the secrecy and the myriads of different and sometimes mixed tasks performed by PSCs, there lacks a clear consensus on the terminology and there is no clear demarcation between the term private security companies and associated terms such as private military companies.⁶

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.⁷ 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, which makes it difficult to classify companies themselves.⁸ 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 like armed or unarmed security services for personnel, places and property, as well as risk management services, security trainings, de-mining, electronic security and surveillance, which mainly fall into the area of private security.⁹ Indeed, the majority of interactions referred to by the local population – which is the primary focus of this study – can be attributed to private security firms. It is for this reason that in this report, we will use the term “private security companies” (PSCs).

However, 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 summarized here as PSCs assume or assumed tasks, which 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 and intelligence services. 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.¹⁰ But it is far beyond the

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

⁷ 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 Singer 2003, pp. 92-93. See also: Swiss Federal Department of Foreign Affairs/Directorate of International Law. 2006. Workshop of Governmental Experts and Industry Representatives on Private Military / Security Companies. 16-17 January 2006. Zurich. 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)

⁸ Singer 2003; Deborah Avant. 2005. The Market of Force. The Consequences of Privatizing Security. pp. 16-22.

⁹ 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). See also Schreier/Caparini 2005, pp. 31-41 for a comprehensive list of possible activities carried out by PSCs.

¹⁰ Leander 2006, p. 34.

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 multitude of different companies and focus on substantive aspects.¹¹

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. Thus 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. Exploratory studies can in fact be understood as "condensed case study research" or 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 by trying to better understand the influence of PSCs on local populations. The study offers some tentative findings and seeks to inspire and guide 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 divergence of PSCs in these countries; 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 for this exploratory study, including semi-structured interviews, focus group discussions, personal observations, informal interviews and a review of the existing literature. For both cases, relevant written sources, including media reports were analyzed.¹² 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).

For Afghanistan, 36 semi-structured interviews (and two e-mail interviews) in Kabul, Afghanistan, 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.¹³ 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 worker) (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.

¹¹ For example Cockayne 2006; Chesterman/Lehnhardt 2007.

¹² Due to the sensitive nature of the topic, no references are made to the names of interview partners.

¹³ The Afghanistan author had also subsequent 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.

Student in International Relations from the London School of Economics and Political Science, conducted in September/October 2006 and in March/April 2007 provide further insight on the views of international humanitarian actors.¹⁴ 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.¹⁵

For both countries, the research drew also from personal experiences by 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 Lisa Rimli conducted five field trips to Angola between November 2003 and November 2006.¹⁶

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.

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 during March/April 2007. The same, however, was not possible for the case study on Angola, which followed the original research design as a desk study. However, 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. In fact, while PSCs in Afghanistan were first reported in late 2001, Angola is regarded

¹⁴ His Ph.D. thesis focuses on the interaction between humanitarian actors and private security firms. Afghanistan is one of the case studies.

¹⁵ 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 houses of private security companies.

¹⁶ 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.

as one of the countries where the involvement of foreign PSCs was already widely discussed in the 1990s. Nevertheless, the access to updated information on PSCs through a desk research in the rapidly changing post-conflict context in Angola remains limited and highlights the necessity of field research for generating insights into the impact of PSCs.

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 limited geographic scope of the research as well as the narrow 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. These “perceptions” and “individual experiences” should not be confused with the *actual effects* PSCs may have on the life of the general population. However, even though these “views” of the commercial security industry may not always correspond with “hard facts”, they reflect and constitute the reality of those interviewed and are therefore of key 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. Moreover, for topics such as public security it may overall be more difficult to detect positive experiences since negative examples are typically more widely reported or perceived, leaving a more profound impression on the population and civil society organizations than positive examples. In addition, for the study, deliberately only few interviews were conducted with clients of PSCs and PSCs themselves. PSCs and their clients, however, most likely would have more frequently highlighted the positive security effects of the commercial security industry than the actual interview partners did. It should be remembered that PSCs are 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.

II Case Study Afghanistan – Who Guards the Guardians?¹⁷

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 September 11th terrorist attacks on US soil. By the end of 2001, the Coalition Forces 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, and the Bonn peace agreement was 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 extremely 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 21 May 2006 Kabul riots proved that violence and discontent can easily ignite uncontrolled mob action without adequate intervention and protection from Afghan security forces. Thus, the demand for security is on the rise in Afghanistan, increasing the activities of private security actors in Afghanistan over the past years.

2 Who are the guardians? Profile of PSCs in Afghanistan

Prior to the 2001 US-led invasion, no references were made to private security actors in Afghanistan. Private security companies (PSCs) in fact entered Afghanistan nearly simultaneously with international military actors, starting with the American-led coalition forces (CF). As noted in the general introduction to this

¹⁷ The title is homage to Plato's *Republic* and a volume by Thomas C. Bruneau / Scott D. Tollefson (eds.). 2006. *Who Guards the Guardians and How: Democratic Civil-Military Relations*. Austin, University of Texas Press.

report, the conceptual blur surrounding the private security sector, makes a classification by activities provided a good method for describing the private sector industry in Afghanistan.¹⁸

There are no known accounts of PSCs staff operating in Afghanistan to engage in active combat duties. Some, however, may have to use force to defend their clients and themselves. Other PSC services include static guarding services (site protection), mobile convoy protection, close personal protection, consulting and advise 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, interrogation,¹⁹ electronic security and surveillance, as well as election support functions. (Appendix II, Table 1 provides more details and examples of PSCs engaged in such services. Due to PSCs typically not publicly disclosing their activities in Afghanistan, information provided in this table may be neither complete nor conclusive.)

Not included in this study, but worth mentioning for a better picture of the security landscape in Afghanistan, are three sets of non-state actors who also provide security, although information on these groups is even scarcer than on PSCs. First, the US military is working with an estimated 2-3,000 former Afghan militia fighters as auxiliaries in their war against terrorism.²⁰ These individuals, engaged in combat duties, are not part of the ANA. Secondly, locally recruited former militiamen guard military compounds (incl. those of Provincial Reconstruction Teams - PRTs) and convoys by the Coalition Forces.²¹ Thirdly, the narcotics industry turns to the Taliban for security, and also hires for their protection and that of their drug convoys security guards, which are allegedly local militia leaders and former small-time warlords.²²

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,²³ therefore the information provided here on PSCs was obtained via interviews and three sources of PSC information: Afghan Investment Support Agency, Ministry of Interior, and the United

¹⁸ When surveying websites of PSCs identified to be working in Afghanistan, the vast majority only had general information on their activities, but no specifics for Afghanistan, or other engagements for that matter. Often the lack of transparency is justified with two arguments: commercial sensitivity of the data and sensitivity of clients PSCs are working for. The latter puts the burden of transparency onto the clients of PSCs, who were rather forthcoming with information on the government side, but less forthcoming in the commercial arena. Obtaining interviews with private contractors in the reconstruction business proved difficult.

¹⁹ While this activity is debated and often denied, the Abu Grahیب Prison Scandal in Iraq provided evidence that PSCs do engage in interrogation. (See Schreier/Caparini, 2005. See also Peter W. Singer. 2004. Above Law, Above Decency. Private military contractors may escape punishment in the Iraqi prisoner abuse scandal. *Los Angeles Times*, May 2.) In Afghanistan, Blackwater was associated with this activity, but the firm so far has not responded to an email trying to verify this information.

²⁰ Antonio Giustozzi. 2007. The privatization of war and security in Afghanistan: future or dead end? *The Economics of Peace and Security Journal*, 2:1, pp. 30-34. Interview with civilian country advisor to ISAF (Afghan nationality), Kabul, 22 March 2007 and UN official, Kabul, 20 March 2007. The lines are blurred, as the CF also collaborate with the Afghan army, but this does not eliminate the existence of Afghans working directly for US forces.

²¹ 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).

²² Information from focus groups in Khost and Kandahar/Helmand, June 2007, as well as interviews with UN Officials, March 2007.

²³ *Draft Government Policy on Private Security Companies* (6 August 2007 copy) drafted by the Joint Secretariat of the Disbandment of Illegal Armed Groups (DIAG).

Nations Assistance Mission to Afghanistan (UNAMA).²⁴ A comparison of the three sources (though not exhaustive) is provided below while Appendix II, Table 2 lists names of known companies arranged by country of origin.

The information from all three sources is fairly consistent (about 75% overlap) with each containing some errors as well as unique knowledge.²⁵ 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.²⁶

Despite the lack of transparent ownership structures, PSCs operating in Afghanistan can be placed into four different categories, often according to the type of license they hold:²⁷

- exclusive Afghan ownership and management, holding a domestic investment license;
- Afghan co-ownership and management with foreign PSCs, with a domestic investment licence;
- foreign ownership with Afghan partners involved in management, identified by an international investment license;²⁸
- exclusive foreign ownership and management, holding an international investment license.²⁹

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 include Australia, Canada, Germany, Nepal, Turkey, Netherlands, India and Pakistan.

²⁴ The Afghan Investment Support Agency (AISA) issued investment licenses to 59 private security companies (both national and international) operating in Afghanistan (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 Ministry of Interior. The CIU of the MoI compiled its own PSC list in early 2007 in an attempt to understand the private security landscape in Afghanistan. The list has information on 59 companies, but the CIU was only able to temporarily register 35 of these PSCs. The United Nations Assistance Mission to Afghanistan (UNAMA) also worked on an overview of PSCs, compiling a list of 55 companies in early 2007.

²⁵ See appendix II for examples of errors and omissions of the lists.

²⁶ Interview with Civilian Country Advisor to ISAF (Afghan Nationality), Kabul, 22 March 2007. He also suggested the existence of Southeastern European firms.

²⁷ There are allegations that illegitimate 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 after collecting their share. 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 and western diplomats and members of the Afghan Independent Human Rights Commission, Kabul, March 2007.)

²⁸ 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). Of the Afghan-American companies, the majority hold an international investment license (6) with only two having a national (Afghan) investment license. Similarly, of the Afghan-Other group, four (4) out of six hold international licenses; with two local licenses (those showing a co-venture with Lebanon and Pakistan).

²⁹ 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.

According to an UN official, a commonly used model by PSCs operating in Afghanistan, especially in the large guarding sector, seems to be a “colonial model” with foreigners in management positions, and the regular guards being either third-country nationals or local employees.³⁰ Among the firms using this model in Afghanistan, the biggest or most visible ones are the US firms US Protection and Investigation (USPI) and the UK firm, Saladin Security. Generally, international and third-country national staff perform the guarding of embassies, close protection of expatriate staff, security assessments and training. Examples of firms with a higher ratio of internationals (and third-country nationals to national staff) are AEGIS, ArmorGroup, Global, Kroll, DynCorp and Blackwater.³¹

Due to the under-reporting³² by PSCs regarding their staff and weapons held, it continues to be challenging to gauge the total number of PSC staff.³³ Using information from interviews, PSC websites, and two estimates from the Ministry of Interior (Mol) and UNAMA, the total number of PSC employees in Afghanistan is assumed to be between 18,500 and 28,000 individuals (for a breakdown by nationality, using the terminology by PSCs and clients, see Table 1).³⁴

There is a controversy around Afghan nationals working in PSCs in Afghanistan, as there were several examples provided in interviews and focus group discussions of firms contracting former militia commanders and their fighters as an expedient way to obtain “ready to go” armed and trained manpower rather than conducting individual hiring.³⁵ While the widest cited example is USPI, the same is alleged of other firms working in remote areas, as the recruitment of militia is a convenient way to obtain experienced armed men used to working in teams.³⁶ On their website, USPI states that it works with “approximately 3,500 Ministry of Interior supplementary troops,”³⁷ not further defining what that means. During several interviews, however, it was alleged that the USPI guards come from private militias associated with individuals working for the Ministry of Interior in different capacities. The problems associated with hiring militias are discussed in section 4.3.3.

³⁰ Interview with UN Official, Kabul, 29 March 2007.

³¹ Interview with UN Official, Kabul, 29 March 2007.

³² For example, the very public case of a local PSC (Khawar) belonging to brother of General Din Muhammad Jurat which was closed after the General clashed with the Attorney General on 6 June 2007 can be used to illustrate the problem with the under-reporting of manpower within PSCs. The Mol investigation found that while Khawar had registered 653 Afghan and one international employee with a total of 400 weapons they had a total of 1,013 employees country-wide with 998 weapons. The Mol suspects that the underreporting by Khawar is not an isolated case.

³³ According to a UN Official, under-reporting has been discovered by the Mol (UN Official via e-mail in late September 2007).

³⁴ Several 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 Mol reported a total of 10,431 personnel, and a May 2007 Mol 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 copy) 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.)

³⁵ Interviews with UN Officials and Western Diplomats in Kabul, March 2007; focus group participants in Kabul, March 2007.

³⁶ Interview with UN official, and representative of PSC in Kabul, March 2007.

³⁷ <http://www.uspi.us/Afghanistan/USPIAfghanistan.htm>, accessed last on 5 June 2007.

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

Type of Employee	Estimates
Internationals , 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 Europeans)	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 Mol (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) ³⁸
Third-country nationals e.g., Gurkhas from Nepal, India, or Fiji; Singapore; and Philippines; few from Africa (e.g., Nigeria)	About 1,500-2,000 (mainly guarding US and UK embassy, but also UN compounds)
Local employees/Afghan nationals	Around 15-20,000: USPI documents about 3,600 guards; Saladin lists "in excess of 2,000," ³⁹ with several international firms also having a larger number of local employees (many smaller Afghan firms also need to be included into the count). ⁴⁰

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.⁴¹ This places PSCs in an ethical 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 where they can access them legally. This can cause three possible reactions. 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 and mostly criminal option is to buy weapons on the black market. All three options seem to be practised in Afghanistan,⁴² 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.⁴³

2.2 Recruitment, training, and identification of PSC Staff

According to information provided by interviews with PSCs, clients and internet sources, most PSCs recruit their staff through a thorough vetting process.⁴⁴ However, the application of verification processes in a volatile environment such as Afghanistan, with inadequate criminal records proves difficult. Furthermore, information given may be tainted depending on who is being asked about whom. This is a remnant of long-term conflict and continuing factional interests within Afghan government ministries. Thus, *en gros*, Afghan staff tends to be recruited through what is considered "trusted channels" by word of mouth, generally

³⁸ The numbers provided are somewhat contradictory. Some of the police reform advisor may also actually come directly from military and not PSCs.

³⁹ <http://www.saladin-security.com/html/afghan.shtml>, accessed 04.06.2007.

⁴⁰ 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).

⁴¹ Interviews with Afghan government officials and western diplomats, May 2007.

⁴² Interviews with Afghan government officials and western diplomats, May 2007.

⁴³ Information provided during focus group discussion in Kabul in March 2007.

⁴⁴ Various Interviews, Kabul, March 2007.

meaning the hiring of friends or relatives of staff.⁴⁵ It should be noted that these practises are also fairly common for NGO and humanitarian agencies working in Afghanistan.

There is a preference for staff (international, third-country and local) to have some military or police experience.⁴⁶ In Afghanistan this de facto biases the recruitment pool to individuals with militia/factional background. An estimate puts the percentage of PSC staff with militia background at around 80%.⁴⁷ According to respondents, there are no requirements that individuals working for PSCs were part of the official DDR process, 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 Disarmament, Demobilisation, and Reintegration (DDR) program."⁴⁸ Even though most PSCs provide some sort of training for their staff, the extent and quality seems to vary among the companies⁴⁹ and there are allegations that some PSCs only invest in basic training.⁵⁰

Linked to the training of PSC-staff, is whether or not PSC companies have a code of conduct that is effectively implemented and monitored. Not all companies have their code of conduct publicly available, making it only accessible to clients when competing for tenders.⁵¹ It is also unclear as to whether existing codes of conduct focus on the monitoring of the behaviour of employees and how employees should or should not interact with the local civilian population and whether and how 'bad behaviour' is dealt with.⁵²

The fact that not all PSC staff wear clearly identifiable uniforms or IDs badges makes it difficult to identify and thus 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 (or show IDs upon request).⁵³ Marked cars are very rare (USPI is an exception), and many cars do not even feature license plates.⁵⁴ According to PSCs and clients interviewed, civilian clothing is often preferred in order to keep a low profile when escorting VIP clients,⁵⁵ although many do wear body armour, which is considered as a form of

⁴⁵ Information provided by PSC in Kabul, March/May 2007.

⁴⁶ International staff usually includes "former service people with proven operational experience or skilled professionals whose worth has been proven in hostile circumstances through service with humanitarian organisations." Third country nationals tend to come from "Gurkha" background, and are vetted in their country of origin. (Information provided by PSCs via email in May 2007.) There are questions, however, as to whether all "Gurkhas" are actually individuals who have received special military training. A PSC representative suggested that too often ordinary Nepali or Indians are hired without Gurkha background, yet passed off for qualified guards. (Information provided via e-mail in June 2007.)

⁴⁷ Interview with UN official, 29 March 2007

⁴⁸ <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; hence it would make little difference if their hires had been part of the DDR process or not. Information provided by PSCs in May 2007.

⁴⁹ No specific details on training were obtained. It was, for instance, not possible to clarify if the trainings include more than weapon handling and site protection and if it is trained how to properly interact with civilians.

⁵⁰ Interviews and focus group discussions, Kabul, March 2007.

⁵¹ Interviews with western diplomats and PSC representatives in Kabul, March 2007.

⁵² 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).

⁵³ Interview with western officials and PSC representatives, Kabul March 2007 and focus group interviews during March and June 2007.

⁵⁴ Interviews with western diplomats, UN officials, March 2007 and focus groups discussions, March and June 2007.

⁵⁵ Interviews and information provided via e-mail, Kabul, May and June 2007.

identification by PSCs.⁵⁶ In volatile situations, clear identification is considered dangerous for PSC staff, who are increasingly targeted by insurgents.⁵⁷

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.⁵⁸ 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.⁵⁹ Individuals working in an advisory or intelligence function may also be unarmed.

While some firms may use a practise of “minimum arms necessary”⁶⁰ 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 term “minimum necessary” obviously leaves ample space for interpretations, with different views held. For example, within the Afghan government, there is a debate over whether regular security guards need to be armed at all.⁶¹ Thus, the arms used by PSC employees (both international and local staff) 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).⁶² The most common weapon of local staff, most likely because militia fighters used it during the Afghan wars, is the AK47/Kalashnikov.⁶³ International staff, on the other hand, able to import weapons, generally uses more modern equipment, often of American or Chinese origin. They are also more likely to wear bullet-proof vests and travel in armoured cars.⁶⁴

The number of weapons held by PSC staff in Afghanistan is possibly even harder to gauge than staff figures.⁶⁵ 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.⁶⁶ A survey by the Kabul chief of police that included 35 security companies (less than half of the PSCs known to be working in Afghanistan), came up with 4,968 different weapons owned by only 1,431 PSC staff, a ratio of 3.5 weapons

⁵⁶ Information provided by PSC, May 2007.

⁵⁷ Both associations working with PSCs (the International Peace Operation Association and the British Association of Private Security Companies) acknowledge that the wearing of uniforms is preferable when working in relatively stable environments. In volatile situations, however, the wearing of uniforms might be deadly (comments provided in August 2007).

⁵⁸ Nearly all interviews indicated this; supported by personal observations while working in Afghanistan.

⁵⁹ Interview with German embassy official, Kabul, 22 March 2007. Interview with Asia Foundation representative, Kabul, 19 March 2007.

⁶⁰ Information provided by security firm in Kabul, May 2007. The language of “minimum necessary” is an implicit parallel with policing codes of conduct and codes for the use of firearms in democratic states, which contain directives to public police about using the minimum amount of force (this comment was provided by one of the reviewers to this study).

⁶¹ Interviews, Kabul, March 2007.

⁶² 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.

⁶³ Interviews with UN officials, western diplomats, Afghan government officials, and members of PSCs in Kabul in March 2007, also own observations.

⁶⁴ Interviews with various western diplomats (including clients) and PSC representatives in Kabul, March 2007.

⁶⁵ Information provided by UN official via email in late September 2007.

⁶⁶ Interviews with Afghan government officials, UN officials and western diplomats, Kabul, March 2007.

per individual.⁶⁷ Using this rough ratio, and the estimated number of PSC employees in Afghanistan, a rough extrapolation puts the estimated minimum of arms in PSC possession at about 43,750.⁶⁸

2.4 Salary levels of PSC staff

A much-debated topic around PSCs is the payment of their staff. This is largely due to a lack of transparency on the payment streams. Neither clients of PSCs nor PSCs themselves seem to want to disclose these figures as it is considered “(commercially) sensitive” information.⁶⁹

Despite this “secrecy” around PSC salaries, most estimates converge around similar sums, showing a clear pay hierarchy.⁷⁰ 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.⁷¹ 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.⁷² Table 2 provides an overview of PSC staff salary by type of service provided as well as nationality. Most of the 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 (ANA or ANP) and quite similar to what NGOs and humanitarian agencies tend to pay their guards. Considering the current living costs in Kabul, however, the minimum salary is often insufficient and would barely feed a family of five.⁷³ Local staff hired via a militia commander might get even less. It is alleged that the commander takes about 1/3 of salaries as a form of commission before passing it on to their fighters.⁷⁴ This means that some PSC staff may receive below USD 100 a month, which still might be higher than that of local security forces (about USD 70).

⁶⁷ 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.)

⁶⁸ 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. 2006. *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.

⁶⁹ Interviews with representatives of the industry and donor governments, Kabul, Afghanistan 2007.

⁷⁰ Interviews with western diplomats, UN officials, Kabul, March 2007; informal discussions with PSC employees (2004, 2005).

⁷¹ It is also claimed that those PSCs paid through the US Department of State (such as Blackwater) receive the highest salaries. (Interview with Civilian Country Advisor to ISAF, Kabul, 22 March 2007.)

⁷² Interviews with PSC clients, PSC representatives and western diplomats, March 2007. Figures provided by IPOA put international PSC staff salaries possibly below USD 350 a day.

⁷³ The ICRC food basket (food to feed a five person family adequately) estimate for Kabul used to be around USD 100/month as minimum pay to be considered.

⁷⁴ Interviews with western diplomats and UN officials, Kabul, March 2007.

Table 2: Estimated pays of PSC staff in Afghanistan

Employee nationality and service category	Monthly
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

3 How to guard the guardians? The 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.⁷⁵ 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 or a lacking awareness about the need to regulate them.⁷⁶

3.1 The law-making process⁷⁷

Initial government efforts with regard to PSCs in Afghanistan are linked to General Zahir Aqbar, Director of the Uniformed Police at the Mol, who began to register PSCs possibly as early as 2003.⁷⁸ The first official

⁷⁵ 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).

⁷⁶ 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/Mol, Kabul, 28 March 2007.) There are even speculations that the Afghan government assumed the new NGO law (passed on 15 June 2005) would regulate all kinds of non-governmental organisations, including PSCs. According to a representative from the Afghanistan NGO Safety Office (ANSO; interview, 29 March 2007), for many Afghans, NGOs is a generic reference to the international community, as most of the experience of Afghans in the past were with this type of organization only. Personal discussions with members of the Ministry of Economy, including the Minister himself during the drafting period of the NGO law (2004) seem to confirm this, as they held NGOs responsible for, among other things, being armed and setting up road-blocks (mainly referring to an area in Kabul that had been blocked off by the US PSC DynCorp).

⁷⁷ Information for this section was obtained from interviews with UN Officials, western diplomats, Kabul, March 2007.

⁷⁸ Various dates were given, ranging between late 2003 and late 2004. (Interviews with western diplomats, UN officials, PSC representatives, and Afghan government officials, Kabul, March 2007.) It is said that he also issued weapons' licenses. The official line of several Mol individuals interviewed in early 2007 was an acknowledgement that General Aqbar had registered PSCs, but arguing that it never belonged to his official tasks.

government effort towards the drafting of a regulation, however, was only initiated in late 2004.⁷⁹ Subsequently in March 2005, the MoI issued a ministerial directive ordering the Criminal Investigation Unit (CIU) to officially (re)register and control PSCs.⁸⁰ About a year later (July 2006), the new Minister of Interior reiterated the order and tasked a commission composed of the Ministries of Interior, Defence and Justice to continue working on the PSC law.

Not much progress on the PSC law was made until early 2007 when the robbing of several banks in Kabul prompted President Karzai to publicly voice concern about PSC activities followed by passing a presidential decree (No. 4549) on 5 February 2007 tasking a new commission to fast-track PSC regulation. The robberies were alleged to be insider jobs of the security firms hired to protect money vehicles.⁸¹ The presidential decree was followed by a Council of Ministers resolution on 7 February 2007 (No. 37) empowering the MoI to survey PSCs operating in Afghanistan, register them and obtain information on their personnel, the nature of their work, the kind and number of weapons used, as well the geographic areas of operation. As a result a more public debate about PSCs emerged.

This 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 representatives from UNAMA, EU, ISAF, the Combined Security Transition Command - Afghanistan (CSTC-A, US Army), the German Police Program Office (GPPO), and from the embassies of the US, Canada and Japan.⁸² 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 PSC regulation process.

Over the past months several draft regulations were circulated, discussed, and subsequently rejected by the *taqniin* (legislative) department of the Ministry of Justice until the latest version finally received approval (with some modifications) in early November 2007.⁸³ 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). The Afghan Constitution grants the monopoly of the legitimate use of force to the State only; therefore any attempt to regulate the legitimate use of force by other actors could be considered anti-constitutional. This is reiterated in the 2005 police law:

Article Twenty-seven (Non-interference in Police Business)

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. Special circumstances are exceptional.⁸⁴

⁷⁹ Around the same time, the Agency Coordinating Body for Afghan Relief (ACBAR) also began lobbying for a PSC regulation. (ACBAR. 2004. *ACBAR Report on Private Security Companies*, Kabul, 16 September.)

⁸⁰ No information was provided as to why this specific unit was selected for this task.

⁸¹ Suggested by western diplomats interviewed, Kabul, March 2007.

⁸² 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.

⁸³ Interview with UN official, 3 November 2007.

⁸⁴ Islamic Republic of Afghanistan, Ministry of Justice, *Police Law*, Published in the Official Gazette No: 862; Kabul, September 22, 2005. The duties and obligations of the police are stipulated under article five, stating, 21 duties, including to ensure and maintain public order and security; 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

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 any kind of penalty.⁸⁵

Each revision of the PSC regulation highlights a fundamental debate within the Afghan policy circles of how much "law" is needed, if at all (the latter including those who would rather not legitimise PSCs at all via a law). 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.⁸⁶ 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.⁸⁷

In light of the above, the PSC law-making process demonstrates that the PSC regulation is a political topic in Afghanistan and influenced by the interests of a diverse set of stakeholders inside the Afghan government, the international community, members of the PSC industry, and possibly individual strongmen.⁸⁸ While several bigger international PSCs have gone on record in support of the process, other firms seem to have benefited from operating in a grey legal environment.

3.2 The current draft regulation

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 2007.⁸⁹ Even though the Ministry of Justice passed the regulation in early November 2007 (with some modifications),⁹⁰ it is still subject to approval by the Cabinet. Thus, it is likely that the draft discussed here is not the final version.⁹¹

The current version of the PSC regulation is drafted pursuant to provisions in *The Law of Firearms, Ammunitions, and Explosive Materials*, the 5 February 2007 presidential decree and 7 February 2007 Council of Minister Resolution (No. 37).⁹² The regulation is stipulated to be in force until a Private Security Company law is established. The following lists and analyses some key elements of the draft regulation for PSCs (see appendix III for more details):

- 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).

cultivation, smuggling and trafficking of illegal drugs; fight against organised crimes and terrorism according to the provisions of the law.

⁸⁵ Information provided by UN Official via e-mail on 28 June 2007.

⁸⁶ Information obtained during visit to Afghanistan in 8-13 July 2007 from PSC representative and UN officials.

⁸⁷ Interview with former Deputy Mol, Kabul, 29 March 2007.

⁸⁸ See also Carl Robichaud. 2007. Private Military Contractors also creating Problems in Afghanistan. *World Politics Review*, 30 October.

⁸⁹ 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.

⁹⁰ Information on modifications was provided verbally by an UN official. (Interview 3 November 2007.)

⁹¹ Not all regulations need Cabinet approval; some can also be passed directly by the Mol. However, as the current one involves multiple ministries, Cabinet approval is necessary. This regulation, even if not as strong as a law, is still more binding than a "rules of procedure" (*tarz al-ama*).

⁹² Article 1 of 4th draft of the PSC regulation dated 8 August 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 and commissions, justice system, as well as 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. These documents need to be submitted to the Ministry of Foreign Affairs. This could be a possible point of contention with newer international PSCs and might lead to inexperienced companies trying to obtain licenses in countries with weaker legislation first (e.g., Iraq).
- 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). As the AIHRC has not been involved in the drafting process, this could prove problematic, especially as it would require boosting their capacity to perform such duty.
- PSCs should not engage in any criminal activities and limit their activities to security services in the area of transportation, logistics, training and assigning security personnel, alarm services and other security services. The regulation also describes activities that are excluded, such as the protection of borders, religious sites, and highway security, and prohibits the hiring of 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.

3.3 Interim arrangements

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.⁹³ 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 the following items: Afghan Investment Support Agency (AISA) registration, MoI registration, company formation and background, full details of local and expatriate staff, information on trainings (program, location of trainings), insurance details, details of weapons used (numbers, serial number, ammunition), source of weapons, location of offices, location of guard posts, vehicle registration documents and communication licenses.⁹⁴ In addition to this, the Chief of Police also requested PSCs to inform him 24 hours prior to any movements inside and outside Kabul. This included the route to be taken, the vehicles

⁹³ Information received from Afghan government official, September 2007.

⁹⁴ Interview, Kabul, 27 March 2007. The lobbying by representatives from private security firms seemed to have been effective in removing the request for contract information from the list, since this was considered commercially sensitive information (Interview with representative of private security firm, 24 March 2007).

used (number, license plates), the number of people and guns taken (including registration numbers of weapons). The weapon details are meant to discourage the smuggling of illegal weapons into Kabul, which several government officials suspected was practised by some PSCs. Again, only a limited number of PSCs complied with this request.⁹⁵

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 Attorney General.⁹⁶ In the most recent raids (October 2007), at least two PSCs were closed with ten more pending closures mostly on suspicions of murder and robbery.⁹⁷ Some of these firms on the "closure list" are said to be international PSCs.

3.4 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 Companies⁹⁸ 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, the founding committee of the PSCAA includes AEGIS, Control Risks (CR), Kroll, Global, ArmorGroup, SSSI, Compass, Blue Hackle, VSS (Vigilant Security Services), Olive Group, Hart Security, Triple Canopy, with a total of 32 PSCs interested in membership.⁹⁹ During interviews in March 2007, it was unclear if PSCAA was fully established.¹⁰⁰ On the one hand PSCAA was meeting regularly, on the other certain organisational issues were still debated, such as over 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).¹⁰¹ PSCAA intends to model their draft constitution on that of PSCAI, describing 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

⁹⁵ 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.)

⁹⁶ E-mail information provided by UN official, late September 2007; but also various Afghan and international media accounts. A more likely under-reported case is the raid of USPI by members of the Afghan government, FBI, USAID auditors for fraud in late August 2006 (Information provided by UN official provided via email in September 2007). Media highlighted the fact that Blackwater (another PSC) was part of this raid due to working for the US embassy (Jason Straziuso / Fisnik Abrashi. 2007. Afghanistan cracks down on private security. 2 companies closed, 10 others targeted. Associate Press, 11 October).

⁹⁷ 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).

⁹⁸ The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), 30 July 2006.

⁹⁹ Unlike in Iraq, the two biggest US private security companies DynCorp and Blackwater have shown no interest in participating in this group. (Interview with PSC representative, Kabul, 24 March 2007.) Several of the PSCs operating in Afghanistan are also members of the US based umbrella organizations for PSCs, the International Peace Operations Association (IPOA) and/or the more recently established (2006) UK umbrella organization, British Association of Private Security Companies (BAPSC).

¹⁰⁰ The information here was a bit contradictory, some claimed the association had been functioning loosely for about a year, others said it was still in formation. Interview with PSC representatives, 24 March 2007 and email information provided during August 2007.

¹⁰¹ Interview with PSC representative, 24 March 2007.

foster a relationship of trust and understanding.”¹⁰² The website has no information as to when PSCAI was established, so it is unclear on how much experience their Afghan counterpart would be able to build.

While the formation of the PSCAA demonstrates that some PSCs are interested in self-regulation, it is of course 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.¹⁰³ The formation of PSCAA also seemed to coincide with the Afghan government voicing more publicly concerns about PSCs and raids became more frequent. As the experience of PSCAI in Iraq has shown, an association such as the PSCAA, however, may be able to engage in a systematic exchange with the Afghan government and influence legislation.

4 PSCs and the local population in Afghanistan¹⁰⁴

There continues to be an information-gap among ordinary Afghan citizens and also some government officials, regarding the multitude of security actors in Afghanistan. One of the main findings from interviews and focus group discussions with the civilian population shows a lack of understanding about PSCs, as illustrated by the following quote: “Why are they here, what do they want, who are they – we ask.”¹⁰⁵ Even the urban population in Kabul who are more in touch with PSCs or rural population who made experiences with PSCs such as USPI guarding the construction of the ring road and individuals guarding US and PRT compounds, 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.¹⁰⁶ There are

¹⁰² <http://www.psc.ai.org/> - last accessed on 24 June 2007.

¹⁰³ Information provided by PSC representative via e-mail, June 2007.

¹⁰⁴ During focus group discussions and interviews, the author and facilitators, tried to take note of the names of PSCs in order to differentiate if comments were made regarding international or national PSCs. This, however, was not always possible. Thus, future research is needed in order to understand if a clear distinction indeed can be made. The names of the following PSCs came up during focus group discussions and interviews: USPI, DynCorp, Khawar, Khurasan, Saladin, Blackwater, Falcon Security, Kroll, and Global. This list, however, does not mean that everything said only pertains to these companies. In most focus groups a majority of participants said that they were not sure where the PSCs came from due to lacking identification. Thus, the PSCs mentioned might simply be some of the more visible and known ones.

¹⁰⁵ Focus Group participants, Kabul, 29 March 2007

¹⁰⁶ See for example the incidence about Keith “Jack” Idema: Blake, Mariah. 2005. Tin Soldier: An American Vigilante in Afghanistan, Using the Press for Profit and Glory. *Columbia Journalism Review*, January/February <http://cjrarchives.org/issues/2005/1/blake-soldier.asp> (last accessed 6 November 2007); Pelton, Robert Young. 2006. Licensed to Kill: Hired Guns in the War on Terror. New York, Crown Publishers. Even though Jack (who was convinced in September 2004 and served until he was pardoned by President Karzai in June 2007) 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. Nevertheless, 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;” an embarrassing misjudgement. “Idema’s group conducted raids on compounds in Kabul, seizing alleged terrorist suspects, said Henderson [ISAF Spokesman]. Following each raid, Idema’s group called on ISAF to bring bomb experts and sniffer dogs to the compounds. ISAF assisted them three times: June 20, June 22 and June 24.’They believed they were providing legitimate support to a legitimate security agency. (CBC News. 2004. *Mercenaries dupe ISAF soldiers in Afghanistan*, CBC News, http://www.cbc.ca/canada/story/2004/07/14/isaf_afghanistan040714.html, (Last Updated: Thursday, July 15, 2004 | 12:51 AM ET), last accessed 6 November 2007).

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 illustrates 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., ISAF, NATO, PRTs, CF or PSCs) as foreign forces or "a bunch of Americans."¹⁰⁷ 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 even seem to proudly display their militia and/or *mujahideen* background as the following anecdote by a focus group participant illustrates: 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.¹⁰⁸

Area 4: International PSC staff and international humanitarian workers. This is a concern raised mainly by the NGO community¹⁰⁹ 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.¹¹⁰

In addition to this confusion, individuals interviewed expressed a certain level of intolerance or lack of sympathy for people continuing to make money through weapons. Due to the long negative war history in Afghanistan, militia (or armed men in general) are little liked in Afghan society. As the civilian population has suffered repeatedly from armed militias, it is very difficult for those interviewed to comprehend the PSCs as a legitimate business sector. Moreover, it is hard to see gunmen as anything but militiamen.¹¹¹ In fact, during interviews and focus group discussions, the main tenor was that PSCs are overall seen in a negative light in Afghanistan, both by internationals and locals alike – although PSCs are sometimes considered as a

¹⁰⁷ Elders during focus group discussion, May 2007. The reference to any kind of international armed group as "Americans" tends to be a common perception among Afghan citizens both in rural and urban areas.

¹⁰⁸ Interview, Kabul, 28 March 2007

¹⁰⁹ See for example *ACBAR* 2004.

¹¹⁰ Interview with western NGO security advisor, Kabul, 29 March 2007.

¹¹¹ There is no indigenous word for PSC in Dari or Pashtu, only a literal translation from English.

“necessary evil” in an insecure environment. The few positive examples were linked to specific PSCs, by and large international and non-US PSCs.¹¹² Among focus group discussants, Gurkha guards were mentioned as having the most courteous and professional behaviour with Afghans.¹¹³ The negative history with gunmen of any kind very likely influenced the responses from civilian Afghans, who often wish for nothing more than peace. For the same reason, the perception regarding local security forces, such as ANP and ANA is often as negative as the view of PSCs.¹¹⁴

Other factors that need to be taken into account when interpreting statements from interviews and focus group discussions is that 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, especially against the international community.

Last but not least, the lack of transparency around PSCs needs to be taken into account. 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.¹¹⁵ Thus, 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. Therefore, it is important that: “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.”¹¹⁶

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. Having PSCs as an additional security actor in this situation of poor governance seems to increase the sense of insecurity, since there is little accountability and no central entity one can turn to.

“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.

¹¹² This is also reflected in the forthcoming study by Jean S. Renouf. 2007. *Perception Matters – Interactions between Private Security Companies and Humanitarian Actors in Afghanistan*. Forthcoming Draft Manuscript.

¹¹³ A western diplomat, however, witnessed four “Gurkhas” working for DynCorp beat up an Afghan who tried to confront them regarding a hit-and-run car accident with an Afghan cyclist. This again shows that it is hard to make overgeneralizations. The incident took place in the summer of 2004. (Information provided via e-mail on 30 June 2007.)

¹¹⁴ Expressed in all focus group discussions, March, May and June 2007.

¹¹⁵ Focus Group participants, Kabul, 29 March 2007.

¹¹⁶ Focus Group participant, Kabul, 28 March 2007.

What about PSCs, if something happens, where should we go to complain, what should we do about if we have problems?"¹¹⁷

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."¹¹⁸ In Afghanistan, where the local police is neither trusted nor fully qualified yet to take on such complaints, this process might prove difficult.¹¹⁹ Individuals within the Mol in turn stated that they simply refer complaints to the embassies of the countries of origin of the PSC.¹²⁰ Embassies, however, are typically not equipped to deal with complaints of local people in a systematic way.¹²¹ Both PSC umbrella organizations (International Peace Operations Association and British Association of Private Security Companies) also offer to raise complaints with their members. However, they have not taken the initiative to adequately inform the local population in Afghanistan of this option. All this tends to contribute to an impression expressed during interviews and focus group discussions, that PSCs are not accountable to anyone and thus can "do as they please" without having to fear serious repercussions. Since there is already some concern among civil society that former warlords can act with impunity, PSCs are perceived as yet another armed actor in Afghanistan that appears to be able to do the same.¹²²

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.¹²³ This is already done by some PSCs in Afghanistan, but not by all.

Members of the Afghan civil society interviewed argued that the international community should have a responsibility regarding the regulation of foreign PSCs.¹²⁴ Several respondents suggested that foreign nations should register PSCs in their home country and monitor them from there. Some disappointment was voiced within focus groups that the international community had not done more to regulate PSCs.¹²⁵ A former Deputy Minister of Interior underscored this concern by arguing that "the international community needs to speak with more authority about private security companies and other problems in Afghanistan, or nothing is done."¹²⁶

Other more educated Afghans and Afghan intellectuals in Kabul urged that the government should take more initiative to establish rules and regulations so that the problem does not get out of control.¹²⁷ Afghan NGOs, which had undergone a lengthy process for the finalization of an NGO law, find the lack of a PSC law

¹¹⁷ Participant, Focus group discussion, Kabul, 29 March 2007.

¹¹⁸ Information provided in May 2007.

¹¹⁹ See Andrew Wilder. 2007. *Cops or Robbers: The Struggle to Reform the Afghan National Police*. Kabul: AREU issue Paper Series, July.

¹²⁰ Information provided during interviews in March 2007.

¹²¹ Interview with western diplomats, Kabul, March 2007.

¹²² 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).

¹²³ Raised during two focus group discussion in Kabul in March 2007, but also during individual interviews.

¹²⁴ This was especially raised during two focus group discussion in Kabul in March 2007, but also individual interviews with Afghan NGO leaders.

¹²⁵ This was especially raised during two focus group discussion in Kabul in March 2007, but also individual interviews with Afghan NGO leaders.

¹²⁶ Interview, Kabul, 29 March 2007

¹²⁷ Focus group participants, Kabul, 29 March 2007

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.”¹²⁸

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.¹²⁹

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.¹³⁰ In a situation where the local security forces are not able to perform these services and the outreach of the international peacekeeping force is limited, private actors fill this gap. Even 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.¹³¹

Kidnapping has become a major hazard not just of foreigners working in Afghanistan, but also for the Afghan private sector. Often less covered in the media, there has been an increase of profit-oriented kidnappings of Afghan businessmen.¹³² 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.

In light of the above, the international and private sector presence in Afghanistan is, among others, secured by PSCs. This necessary service provided by PSCs is often not fully understood by civil society and those who were part of this study. Only in one focus group was it acknowledged that PSCs (e.g., USPI) provide security for logistics such as delivering food and non-food items to provinces,¹³³ while two others acknowledged the protection of road construction.¹³⁴

Even though focus group participants understood 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

¹²⁸ Director of Afghan NGO, Focus group discussion, Kabul, 28 March 2007.

¹²⁹ Author worked for over 5 years with civil society in Afghanistan (2002 until present).

¹³⁰ Interviews with UN officials and clients of PSCs, Kabul, March 2007.

¹³¹ According to a western diplomat, it takes 10-12 individuals to support each soldier in combat, and this service is increasingly picked up by PSCs (interview, Kabul, 24 March 2007). This may vary for each army. For the UK it seems to be 12, for the US 10; for other European armies it may even be lower than that.

¹³² Interview with UN officials and informal discussions with Afghan business men, Kabul, March and July 2007.

¹³³ Focus group discussion, Kabul, 4 June 2007.

¹³⁴ Focus group discussions in Logar and Pakia, 19 and 20 May 2007.

PSCs were sending a strong message that security is not a public good, but a commodity of foreigners and wealthy Afghans.¹³⁵

The main positive aspect of the private security industry that was widely acknowledged during interviews and focus group discussions were benefits to the Afghan economy and employment opportunities.¹³⁶ It was noted that in the current climate of unemployment, especially of (uneducated) ex-militia, there is an abundance of human resources that can be absorbed by PSCs. In addition to the ANA and ANP, PSCs can offer an employment opportunity for former militia fighters who may not have the skills to work in other civilian jobs. In order for this effect to remain positive, however, those interviewed suggested that PSCs need to emphasize education and training of their local staff, thereby also contributing to the growth of a professional work force in the security industry. Thus, working for PSCs could function as part of a reintegration mechanism for previous militia fighters. Focus group participants and respondents interviewed were not certain if PSCs had lived up to their possible contribution to capacity building and training and felt that there was much need for improvement. In addition, civil society representatives questioned whether PSCs represent a contradiction to the formal DDR process.

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 their staff more than local security forces, the purchasing power of those individuals is also higher and can benefit 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 groups felt that this benefited mainly a small commercial sector targeting internationals (e.g., specific shops and restaurants). In addition, the fact that PSCs, as other international actors, pay a higher rent for offices and houses than Afghans, was seen by some as a positive contribution to the local real-estate market. Not all focus group participants, however, saw this last point as a positive element. Some 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.

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 not tasked with providing a 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."¹³⁷ Questions were raised as to whether the services of PSCs were

¹³⁵ Focus group discussion, Kabul, 29 March 2007.

¹³⁶ Focus group discussions in various locations, March, May and June 2007.

¹³⁷ Afghan elder, focus group discussion, May 2007.

to provide exclusive security for their clients or to also control access to those they protected (the basic question as to whether guards “keep the bad guys out or the good guys in”).¹³⁸ 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.¹³⁹ 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 inside their houses and offices) and willing to pay for armed guards.¹⁴⁰

“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?”¹⁴¹

Another specific human security concern raised was the location of PSC offices in residential neighbourhoods, particularly in Kabul.¹⁴² 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.”¹⁴³ While supposedly guarding one house/compound, a focus group participant described PSC staff as interfering with the lives of everybody on that street.¹⁴⁴

The following statements extracted from interviews and focus group discussions serve as further illustration regarding a 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 hanging around acting important. It makes you feel as if you are in a war area, not in peace.”
- “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.”

These statements illustrate that the use of armed PSCs guards (as already noted in the PSC profile) seems to be one of the contributing factors to the negative image of PSCs in Afghanistan and the 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 47.¹⁴⁵ This question of proportionality is not only

¹³⁸ Focus group discussion, Kabul 29 March 2007, a concern echoed by UN officials and western diplomats, March 2007.

¹³⁹ Focus group discussion, Kabul 28 and 29 March 2007.

¹⁴⁰ Focus group discussion in Kabul, 29 March and 4 June 2007. Internationals would argue that it is the other way around, insecurity calls for PSCs.

¹⁴¹ Focus group discussion, Kabul, 29 March 2007.

¹⁴² Interview, Afghanistan Independent Human Rights Commission, Kabul, 26 March 2007.

¹⁴³ Focus group discussion in Kabul, 29 March and 4 June 2007.

¹⁴⁴ Focus group discussion in Kabul, 29 March and 4 June 2007.

¹⁴⁵ Interview, Kabul, 2 April 2007.

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?”¹⁴⁶

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.¹⁴⁷ The discussion in focus groups about whether PSCs actually contribute to insecurity rather than security can be seen as linked to this concern. Nevertheless, it is hard to ascertain definitely how much PSCs contribute to this dilemma without doing further research. The following sub-sections will explore some of the specific concerns raised by the interviews and focus groups in relation to ‘human’ security in the country.

4.3.1 PSCs and small arms

Considering earlier statements made during the interviews and in the focus group discussions, it seems evident that the negative perception of PSCs is linked to their use of arms. Part of the discussion 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 following statements illustrate that the participants in this study made further assumptions with regard to the connection between PSCs and arms:

- “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. The profile of PSCs already discussed the difficulty to estimate how many (and what) kind of weapons are held by PSCs and that there were problems with underreporting. With the overall problematic DDR process in Afghanistan, and a flourishing arms market in Pakistan, it is hard to say how much PSCs have contributed to small arms proliferation or if they simply took advantage of the fact that a stockpile of

¹⁴⁶ Focus group participants, Kabul, 29 March 2007.

¹⁴⁷ Conrad Schetter. 2006. 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, 9-22; Susanne Schmeidl. 2007. The Emperor’s New Clothes: The Unravelling of Peacebuilding in Afghanistan. *Friedens-Warte – Journal of International Peace and Organizations*. 1-2(2007), 69-86.

arms inside the country existed. For the DDR process, about 126,000 weapons were registered, but only about 70,000 were received, many of which were not serviceable.¹⁴⁸ It is estimated that there might be about 56,000-336,000 weapons outside the control of the Afghan government.¹⁴⁹

Focus group discussions raised the concern about PSCs hiring armed individuals without paying much attention to where the weapons were coming from. Some felt this discouraged participation in the DDR process and the ongoing DIAG process.¹⁵⁰ 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, with some disappearing fairly early in the process from DDR lists.¹⁵¹ 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 discussion the link between crime and PSCs came up frequently, with PSCs (both local and international) being associated with criminal gangs and mafia (e.g., for the purchasing of weapons) and PSC staff being accused of participating in criminal 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).

One focus group discussed how individual guards hired to secure drug conveyances in Helmand were accused of engaging in petty drug deals on the side by bringing back refined drugs to be sold on local markets.¹⁵² AIHRC has also received multiple complaints from Afghan citizens regarding similar behaviour of militia in Kandahar, many of which are assumed to be associated with PSCs.¹⁵³ There are also several anecdotes such as by a western diplomat witnessing four guards working for DynCorp beating up an Afghan at gunpoint who confronted one of their colleagues about a hit and run traffic accident.¹⁵⁴

Even though so far these are mainly rumours and anecdotes about PSC misconduct, incidences were extensively cited and perceived to be wide-spread. The carrying of weapons by PSC staff is perceived to increase the likelihood of PSC staff to engage in criminal activities, often to top up their salaries. Many focus group participants referred to such criminal behaviour as “once a militia – always a militia” such as examples of PSC staff collecting “fees” at roadblocks. A former Deputy Minister of Interior used the metaphor of the scorpion, whose nature is to sting even if promises were made to the contrary.¹⁵⁵

During focus group discussions, the issue of criminal behaviour was closely linked to the issue of accountability and impunity, since most local and international PSC staff seem not to be prosecuted in the Afghan judiciary. Western diplomats said that PSC staff guarding embassies fell under diplomatic immunity,

¹⁴⁸ UNAMA. 2006. DIAG Strategy – Annex A, p.2.

¹⁴⁹ UNAMA. 2006. DIAG Strategy – Annex A, p.3.

¹⁵⁰ Interview with Afghan human rights activists, and UN officials, March 2007.

¹⁵¹ Interview with UN Official, 20 March 2007.

¹⁵² Focus group interviews, Kandahar (with Helmand participants), 17 May 2007.

¹⁵³ Interview, Kabul, 26 March 2007.

¹⁵⁴ 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.

¹⁵⁵ Interview, Kabul, 29 March 2007.

and would be prosecuted in their home countries.¹⁵⁶ PSCs and clients explain this practise as necessary for countries such as Afghanistan, which have a justice system that does not meet the standards of their home country and where a fair and adequate prosecution of PSC staff cannot be guaranteed.¹⁵⁷ There are, however, questions, whether or not PSC staff are 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.”¹⁵⁸

4.3.3 The relation between PSCs and local strongmen

As many PSCs are former militia, respondents argued that the relationship between them and current militia commanders continues to be strong. It has been noted that some PSCs seem to make contracts directly with militia commanders for an expedient and convenient way to obtain armed and trained guards. Even if this practice is not widely used by all PSCs, it nevertheless undermines the trust and increases resentment of the local population with regard to PSCs and taints the image of legitimate foreign companies with transparent hiring practices and Afghan firms trying to build a respectable business.¹⁵⁹

- “If you get kicked out of government, you take your people and make it into a security company, and you are right back in power controlling things (reference to General Deen Mohammad Jurat working with USPI).”¹⁶⁰
- “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.”¹⁶¹
- “PSCs cause a prevalence of violence as they are running around armed, legitimising former warlords.”¹⁶²

To the question of who was attracted to work with PSCs, the following responses were given: “Warlords, *mujahideen* fighters, criminals, people who want power or want to avoid the DDR process.”¹⁶³ Some respondents went as far as arguing that strongmen intentionally rolled their militia or private army over into PSCs in order to be able to legitimately maintain them, as it is against the Afghan Criminal Code to establish (and maintain) illegally armed groups.¹⁶⁴ The fears expressed were two-fold. On the one hand, those interviewed wondered about the readiness of militias embedded in PSCs to engage in another civil war. On

¹⁵⁶ Interview with western diplomat, Kabul, 24 March 2007.

¹⁵⁷ Interviews, Kabul, March 2007.

¹⁵⁸ Fariba Nawa. 2006. Afghanistan, Inc. A CorpWatch Investigative Report, 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”.

¹⁵⁹ Interview with private sector representative, 1 April 2007.

¹⁶⁰ Focus group discussion, Kabul, 29 March 2007.

¹⁶¹ Official of the Afghan Interior Ministry quoted in Nawa. 2006, p.16.

¹⁶² Focus group discussion, Kabul, 29 March 2007.

¹⁶³ Several Focus groups discussions in Kabul and rural areas, March and May 2007.

¹⁶⁴ This is punished with the death penalty, Afghan Criminal Code, Art. 213 (information obtained from UN official via email in July 2007).

the other hand, some civil society representatives also 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 primarily in rural areas.¹⁶⁵ 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.

The most widely cited example is USPI, but several respondents seemed to believe that the vast majority, possibly up to 80% of all PSC staff, have a militia background¹⁶⁶ as “how else would some PSCs be able to survive in difficult parts of Afghanistan.”¹⁶⁷ According to an operations manager for USPI, their rationale for working with commanders is as follows: “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.”¹⁶⁸

Even if such behaviour is an expedient way to receive protection, it can have unintended consequences. For example, PSCs are essentially paying individuals to protect them, who 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. The attack was officially associated with the Taliban, but rumours linked it to Zabet Jalil.¹⁶⁹ Some respondents felt that it sent a strong message to the militia, who might conclude that by remaining a threat, they are likely to be hired in the future.¹⁷⁰ This may also increase the feeling of insecurity within the general population in those regions where these practices are used.

According to a female parliamentarian, the practise of contracting ex-militia fighters via commanders, rather than making 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.”¹⁷¹ 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.¹⁷²

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,¹⁷³ it is questionable how long-lived this positive effect is, 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.¹⁷⁴

¹⁶⁵ Focus group discussions, Kabul and rural areas, March and May 2007. See also Robichaud 2007.

¹⁶⁶ Interview with UN Official and western diplomats, including PMCS representatives, Kabul, March 2007; see also Giustozzi 2007.

¹⁶⁷ Interview with UN Official, Kabul, 29 March 2007.

¹⁶⁸ Cited in Nawa 2006, p.17.

¹⁶⁹ Information provided via e-mail on 30 June 2007.

¹⁷⁰ 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.

¹⁷¹ Interview, Kabul, 30 March 2007.

¹⁷² Interviews with the human rights activists, UN officials and western diplomats as well as focus group discussions, Kabul, March and April 2007. Members of the Afghan government joined the unease expressed by respondents to this study in whether militias working with PSCs can be considered as a “ready-to-go reserve army” that could possibly pose a threat to the emerging government; especially if commanders who were sidelined by the government work with them. (Interview with Afghan government officials, Kabul, March 2007; Focus group discussions, Kabul and rural provinces, March and June 2007.)

¹⁷³ Interview with Afghan businessman, Kabul, 29 March 2007.

¹⁷⁴ Follow-up discussion with UN official via telephone, Kabul, 22 October 2007.

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 state.¹⁷⁵ 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 the 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."¹⁷⁶ 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 civil society."¹⁷⁷

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:¹⁷⁸

- "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 bad road manner, 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.¹⁷⁹ In addition, PSCs in general were considered by some as a potential threat to the state, illustrating the suspicion that some people seem to have towards the intentions of PSCs:

"We saw how a small riot 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?"¹⁸⁰

¹⁷⁵ Focus group discussions, Kabul 29 March and 4 June 2007.

¹⁷⁶ Focus Group discussions in Logar, 19 May 2007 and Khost, 15 May 2007.

¹⁷⁷ Focus group discussions in Kabul, 28 and 29 March 2007.

¹⁷⁸ Focus group discussions, Kabul and rural areas, March, May and June 2007.

¹⁷⁹ Discussed during several focus groups in Kabul, Paktia, Khost, Kandahar, and Logar, May and June 2007; see also Robichaud 2007.

¹⁸⁰ 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.¹⁸¹ 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.¹⁸² Even though the president’s office now uses Afghan bodyguards, several focus group participants still believe that they Afghans guards are simply for “show” while the Americans are still in charge behind the scenes.¹⁸³

A western diplomat describes another dilemma of PSCs inadvertently undermining the Afghan government. He mentioned that NATO had concerns about PSCs providing a financial incentive for recently trained ANA and ANP staff to leave their job for a better paying one. In other words PSCs could actually deplete scarce human resources from (already struggling) national security forces.¹⁸⁴

4.5 PSC staff and professionalism

Many of the comments of Afghans interviewed individually and in focus group discussions about PSC staff can be grouped into two categories – 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.¹⁸⁵ 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.”¹⁸⁶

Several international observers and Afghan government officials echo the sentiment that PSCs often behave badly.¹⁸⁷ 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.”¹⁸⁸ 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.’”¹⁸⁹

¹⁸¹ Focus group discussion, Kabul 29 March 2007.

¹⁸² Focus group discussion, Kabul 29 March 2007.

¹⁸³ Focus group discussion, Kabul, 29 March 2007.

¹⁸⁴ Information provided by western diplomat via e-mail on 30 June 2007.

¹⁸⁵ Interviews, March 2007.

¹⁸⁶ Focus group discussions in Kabul, March and June 2007. The reference was to Gurkhas working at UN compounds and some embassies.

¹⁸⁷ The main reference is to the US firm DynCorp.

¹⁸⁸ Ahmed Rashid. 2006. Karzai calls in the tribes in bid to oust the Taliban. *Daily Telegraph*, 9 Oct.

<http://www.ahmedrashid.com/publication/afg/articles/files/KarzaiCallsInTheTribesInBidToOustTaliban.pdf> (last accessed 6 November 2007).

¹⁸⁹ cited in Richard Norton-Taylor. 2006. Afghanistan close to anarchy, warns general. *The Guardian*, July 22.

<http://www.guardian.co.uk/afghanistan/story/0,1826479,00.html> (accessed 8 June 2007); DynCorp would use swear words, bad language and point guns at government officials and visitors to the presidential palace routinely. Informal

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.

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. A recent Integrated Regional Information Network (IRIN) report argued that "inadequate professional knowledge is one of the reasons why Afghan police have a high causality rate....In the last three months alone, over 210 police officers have been killed and 330 wounded, according to Afghanistan's Ministry of Interior (Moi)."¹⁹⁰ Since the ANP is in charge of assuring security for the local population, bad police training may indirectly impact the security situation of the general population.

According to a western police advisor, "DynCorp staff has neither the experience, knowledge, nor skills to do what they are contracted for in Afghanistan," as they mainly hire staff with a low-level US state police background and little or no training qualifications.¹⁹¹ Other observers of DynCorp police were also critical of the quality of training provided.¹⁹² The criticism, however, does not only come from outsiders, but was also raised in an internal evaluation report of the PSC by the US Department of State and Defence.¹⁹³

Training and adequate supervision of PSC staff, especially local staff with militia background was recommended as crucial by several stakeholders interviewed, since so far little consideration was given to this aspect.¹⁹⁴ There were several allegations that PSCs failed to adequately monitor their staff in far away places and employees being involved in robberies, looting and occasional kidnappings (see previous section).¹⁹⁵ Focus group participants felt that especially foreign firms had this responsibility regarding their local staff as the international community was in Afghanistan for the purpose of building the capacity of the Afghan population.¹⁹⁶

4.6 The cost of private security in Afghanistan

In the current environment in Afghanistan, there is already much concern about the use of donor money for reconstruction efforts.¹⁹⁷ Several focus group discussions debated the costs of PSC services as compared to

discussions with Afghan government officials and staff of international organizations, various dates, Afghanistan 2005. While training the Afghan Guard Force, one of the DynCorp cursed so much that 200 Afghan trainees walked off their job in one night. Afghan Government Official, informal discussion, Australia, October 2006.

¹⁹⁰ IRIN. 2007. AFGHANISTAN: Police casualties high due to lack of training, equipment., Kabul, 12 June.

¹⁹¹ Interview, Kabul, 26 March 2007. According to a newspaper article, they recruit "online and at police conventions and depend heavily on word-of-mouth referrals" leading to a "wide variety in the quality of people it hires to be trainers," including individuals with criminal records and financial reasons for coming to Afghanistan (e.g., paying off debts). (Renae Merle. 2007. Coming Under Fire: DynCorp Defends Its Work in Training Foreign Police Forces. *Washington Post*, March 19; p. D01.) This critique is shared by several western diplomats as well, interviews, Kabul, March 2007.

¹⁹² Interview with western researcher working on security sector reform, 25 March 2007. Police trainers are said to simply read off materials rather than employ sophisticated training tactics.

¹⁹³ US Department of State and US Department of Defence. 2006. Interagency Assessment of Afghanistan Police Training and Readiness, November.

¹⁹⁴ Interviews with various stakeholders, Kabul, March 2007.

¹⁹⁵ Interview with UN officials and western diplomats, and local organizations, Kabul, March 2007; see also Nawa 2006.

¹⁹⁶ Various focus group discussions, Kabul and rural areas, March, May and June 2007.

¹⁹⁷ William Maley. 2006. *Rescuing Afghanistan*. Sydney, New South Wales Press Ltd.; An ISAF representative, for example, asserted: "The Kabul riots (21. Mai 2006) were a rough wake-up call regarding the effectiveness of private

the same service being provided by Afghan security forces, albeit the acknowledgement 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.¹⁹⁸ For instance, the visible spending of some PSCs, such as DynCorp renting rooms for their international staff in one of the most expensive hotels in Kabul (and houses in expensive neighbourhoods) seems to contribute to this perception.¹⁹⁹

Obtaining information on the cost of private security is very difficult, as PSCs only disclose “commercially sensitive information” to their clients.²⁰⁰ 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.²⁰¹ Compared to what the US government spends in this sector the UK figures may be relatively small. For example, the contract for USPI was estimated at USD 36 million for 4½ years²⁰² and the contracts for DynCorp were estimated at a minimum of USD 150 million for poppy eradication and police training.²⁰³ UNOPS has awarded security contracts to the private sector in the neighbourhood of 24 million since 2005 including RONCO, SSSI, USPI, IDG, IDG and Campus Integrated Logistics and Security Ltd.²⁰⁴ These figures reflect only a fraction of spending for PSCs, as for example, big firms such as Blackwater or Saladin are not included here.

Afghans interviewed as well as members of the international community also 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.²⁰⁵ The worst-case scenario is fraud, such as was alleged of USPI and currently being discussed with regard to security contractors working for the US State Department in Iraq, such as Blackwater, and DynCorp.²⁰⁶

The salary of third-country nationals (mainly Gurkhas) is considered controversial by Afghans, as qualified Afghans feel that they are 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.²⁰⁷

security firms. Many failed to protect the compounds they guarded, some simply ran away. In my opinion [representative of ISAF], people wasted their money,” (interview, 31 March 2007).

¹⁹⁸ Focus group discussion, Kabul 28 and 29 March and 4 June 2007.

¹⁹⁹ This information was provided by multiple stakeholders interviewed and verified, Kabul, March 2007. The counter-argument from one PSC representative interviewed was that the deal received by the hotel in question was cheaper than renting out houses, Interview, 24 March 2007.

²⁰⁰ Information provided by PSC representative via email, May 2007.

²⁰¹ 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 (last accessed on 2 July 2007, 11 am Australian time).

²⁰² See Nawa 2006, p. 15.

²⁰³ See Giustozzi 2007, p. 31.

²⁰⁴ Renouf 2007, p.11.

²⁰⁵ Interview with UN officials and western diplomats, Kabul, March 2007.

²⁰⁶ Eric Schmitt / David Rohde. 2007. 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.

²⁰⁷ Information provided by PSC representatives via e-mail May and June 2007.

4.7 PSCs and gender considerations²⁰⁸

“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.”²⁰⁹

This quote describes the problem of narrow and also negative definitions of *masculinity* and *femininity* that tend to exist in countries having undergone war.²¹⁰ Men are mainly seen as the protectors (and also aggressors) and women as vulnerable victims who need to be protected. In Afghanistan this has reinforced already existing narrow definitions of gender roles.²¹¹

Moving to peace often includes also a process of opening up gender identities with men defining themselves less through militarism. Even though this issues was mainly raised by women in a few of the Kabul-based focus groups, some of the 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 of *masculinity* being defined exclusively through violence, the carrying of guns and “macho” behaviour.”²¹² A male focus group participant, for example, suggested that young men in Afghanistan are “attracted to them [PSCs] because they think it is cool to carry a gun.”²¹³ Alternative role models such as the importance of education, economic success, non-violent leadership, etc. are not represented by PSC staff. 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.

Linked to the definition of gender roles is the comment of a female parliamentarian that the presence of international armed men (PSCs or ISAF/NATO) in Kabul is positive as it keeps the Afghan militiamen in check. Thus, “good foreign men” are needed to protect women from “bad local ones,” which as such is only a short-term solution. The long-term solution would be to reform and properly reintegrate militia, while addressing local gender differences. Again, more research is needed here, especially regarding the relevance of PSCs.

Another critique raised during focus group discussions was the treatment of female staff working with PSCs and examples of sexual harassment (the word “sexual persecution” was used in the translation) were given.²¹⁴ In a country where women were only recently allowed to re-enter the labour market, and perceptions prevail of seeing working women as one degree removed from prostitutes, being employed by PSCs, which may have hired ex-militias, can function as a double jeopardy for female staff. Thus, sexual harassment awareness courses, tight monitoring mechanisms, and appropriate complaints mechanisms should be considered by PSC, both for local and international staff alike.

²⁰⁸ This section was not part of the original research framework, but a reviewer suggested to draw out gender considerations. Thus, only very preliminary findings can be presented here. Further research is needed.

²⁰⁹ Female Parliamentarian, Kabul 29 March 2007.

²¹⁰ See, for example, Elisabeth Ferris. 1992. *Women, War & Peace: An Issue Paper*; Uppsala, Sweden; Life & Peace Institute; Dyan Mazurana / Angela Raven-Roberts / Jane Parpart (eds.). 2005. *Gender, Conflict, and Peacekeeping*. Lanham, MD, Rowman & Littlefield Publishers.

²¹¹ Sippi Azerbaijani-Moghaddam. 2006. *Gender in Afghanistan. Publication Series on Promoting Democracy under Conditions of State Fragility. Issue 1: Afghanistan*. Berlin, Heinrich Böll Foundation.

http://www.boell.de/downloads/asien/afghanistan_en.pdf

²¹² Focus group discussions in Kabul, 28 and 29 March 2007. Despite an increasing insecurity in Afghanistan many civilian Afghans still cling to hopes of peace.

²¹³ Focus Group participants, Kabul, 28 and 29 March 2007. It is important to note that the concern of focus group participants here lies with the utilisation of military weapons (remnant of the Afghan war), as for many Afghans (especially Pashtuns) the ownership of hunting weapons is a very important part of manhood.

²¹⁴ Focus group discussion, Kabul, 4 June 2007.

Last but not least, western observers have also begun to make linkages between the growing PSC sector and a simultaneous growth of prostitution in Kabul.²¹⁵ Even though merely individual PSC staff might be currently using such services, rather than PSCs being involved in this business,²¹⁶ the 2003 sex-trade scandal in Bosnia involving DynCorp 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.

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 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, training quality 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 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

²¹⁵ Interviews with UN officials and western diplomats, Kabul, March 2007; see also Giustozzi 2007.

²¹⁶ Interview with western diplomat, 24 March 2007.

organizations to use their own ethics in observing good practises. As the discussion has shown, 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 interviewed, 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.

III Case Study Angola

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)²¹⁷ in Luena²¹⁸ 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,²¹⁹ human development indicators for Angola continue to be among the lowest worldwide.²²⁰ 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.

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,²²¹ research remains scarce on Angola's private security industry

²¹⁷ National Union for the Total Independence of Angola.

²¹⁸ The so-called Luena Memorandum signed in Luena, Angola.

²¹⁹ 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, 19.9.2007.

²²⁰ According to the UNDP Human Development Index 2006, Angola is ranked 161 from 177 countries.

²²¹ See for example: Jakkie Cilliers / Peggy Mason (eds.). 1999. Peace, Profit or Plunder. The Privatisation of Security in War-Torn African Societies. Institute for Security Studies; Jakkie Cilliers / Christian Dietrich (eds.). 2000. Angola's War

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 these 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.²²² 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).²²³ 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.²²⁴ Hence, the perceptions of Angolan civil society organizations as the nine interviewed for the present study (see Main Introduction) on the impact on private security companies need to be understood within the broader context of post-conflict challenges for the security sector in the country.

7 The national regulatory environment

One of the remarkable features of the private security sector in Angola is the early existence of a national legal framework. Nevertheless, the Law on Private Security Companies (19/92)²²⁵ 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.²²⁶ 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

Economy. Institute for Security Studies; Abdel-Fatua Musah / J. 'Kayode Fayemi. 2000. *Mercenaries. An Africa Security Dilemma*. Sterling, Pluto Press.

²²² For instance, mechanisms for citizen's complaints established by the police since 2003 have apparently not been effective so far. (Amnesty International. 2007. *Above the Law. Police Accountability in Angola*. For an earlier regional survey including Angola see: Amnesty International. 2002. *Policing to protect human rights. A survey of practice in countries of the Southern African Development Community, 1997-2002*.)

²²³ 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.

²²⁴ 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. 2006. *Angola: Global 'Good Governance' also needed. FRIDE Working paper, 23, p. 12.*

²²⁵ 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).

²²⁶ Law 19/92, introductory paragraphs.

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”²²⁷ 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).

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)²²⁸

There is another set of laws with relevant provisions on private security companies. After the Lusaka peace agreement in 1994²²⁹, 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 the areas designated as “restricted” and “under protection” (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).

²²⁷ All translations from Portuguese in the current and following sections are under the responsibility of the author.

²²⁸ 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>.

²²⁹ The so-called Lusaka Protocol signed between the Government of Angola and UNITA in Lusaka, Zambia.

The law also defined a role division between the state and private security companies, however in rather vague terms: Oversight of alluvial diamond production was attributed to both concessionaires and the state-owned diamond company Endiama 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 "reserve zones". This law institutionalized 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, private security companies were attributed the role of subsidiaries to the police virtually in the whole extension of the "reserve zones":

"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)

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 out-weighted.

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 private security companies 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, implementing 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, nor 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 resumption 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, 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.²³⁰ Since the Luena Memorandum of 2002, local media have increasingly echoed negative reports on PSCs.

²³⁰ Alex Vines.1999. Gurkhas and the private security business in Africa. In: Jakkie Cilliers / Peggy Mason (eds.): Peace, Profit or Plunder. The Privatisation of Security in War-Torn African Societies. Institute for Security Studies, p. 186.

Since 2004, the National Police has publicly expressed its growing uneasiness with illegal activities of private security companies and has pushed 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.²³¹ 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 private security companies 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.²³²

In January 2006, the General Commander of the National Police 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:

“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.”²³³

A revision of the legal framework applying to PSCs has reportedly been discussed in the National Defence Council for some years.²³⁴ 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.²³⁵ 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.²³⁶ 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.²³⁷

Overall, it appears that the operational divisions of the public security sector 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.²³⁸ 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

²³¹ Affirmations by Lisboa Santos, director of Public Order of the National Police, quoted in *LUSA*, 28.4.2005, and by José Alfredo Ekuikui, General Commander of the National Police, quoted in *Jornal Apostolado* 27.1.2006; *Jornal de Angola*: “Segurança privada preocupa polícia.” 28.1.2006.

²³² *Jornal de Angola* 2.2.2006.

²³³ Quoted in *Jornal Apostolado* 27.1.2006; *Jornal de Angola* 28.1.2006.

²³⁴ 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.

²³⁵ Angolan NGOs working on the civilian disarming process and related issues seem to be uninformed about the current stage of the process. (Interview with Angolan civil society organizations, May to June 2007.) The Ministry of Interior has not responded to information requests from the author.

²³⁶ Comissão Técnica para a Revisão da Legislação Mineira (CTRLM).

²³⁷ Interview with UN official, June 2007.

²³⁸ Email correspondence with Ana Leão, ISS, September 2005.

present 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, private security companies 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 private security companies 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 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.”²³⁹

Several large PSCs, including Teleservice and Alfa 5 among others,²⁴⁰ 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.²⁴¹ However, more political will is needed to sustain such efforts.²⁴²

8 Profile of the private security sector in Angola

8.1 Emergence during the 1990s

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 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 1999.²⁴³ 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

²³⁹ Francisco Borges Guerra, interview in *World Investment News*, 6.7.2005.

²⁴⁰ For example Securitas of Angola, Copebe, Anjo Patrulha and Mamboji. See eBizguides Angola sponsor list 2006: <http://www.ebizguides.com/guides/sponsors/country.php?country=17>

²⁴¹ Information from UN official, March 2007.

²⁴² Interview with UN official, June 2007.

²⁴³ Khareen Pech. 1999. Executive Outcomes - A corporate conquest. In: Jakkie Cilliers / Peggy Mason (eds.). *Peace, Profit or Plunder. The Privatisation of Security in War-Torn African Societies*. Institute for Security Studies, pp. 81-109.

have been key in forcing UNITA to the negotiating table appears “rather inflated” to some researchers.²⁴⁴ 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.²⁴⁵

The Lusaka peace agreement of 1994 between the Angolan government and UNITA prescribed the “repatriation of all mercenaries”²⁴⁶, 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.²⁴⁷ 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.²⁴⁸

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 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.²⁴⁹

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.²⁵⁰

Only a few foreign PSCs 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.

²⁴⁴ Alex Vines. 2000. Mercenaries, Human Rights and Legality. In: Abdel-Fatua Musah / J. ‘Kayode Fayemi: Mercenaries. An Africa Security Dilemma. Sterling, Pluto Press, p. 174.

²⁴⁵ Kevin O’Brian. 1998. Military-Advisory Groups and African Security: Privatised Peacekeeping? *International Peacekeeping* 5:3, 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.

²⁴⁶ Lusaka Protocol, Annex 3, Specific Principles relating to the Reestablished Cease-fire, 6., see http://www.usip.org/library/pa/angola/lusaka_11151994.html

²⁴⁷ Pech 1999, p. 91.

²⁴⁸ Christian Dietrich. 2000. Power struggles in the diamond fields. In: Jakkie Cilliers / Christian Dietrich (eds.). Angola’s War Economy. Institute for Security Studies, p. 177.

²⁴⁹ Vines 1999, pp.135f.

²⁵⁰ Christian Dietrich. 2001. Have African-based Diamond Monopolies Been Effective? *Central Africa Minerals and Arms Research Bulletin*, International Peace Service. (no page numbers).

8.2 Expansion since the Luena Memorandum of 2002

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 150.²⁵¹ However, according to official numbers of the National Police in 2004, 307 private security companies were operating in Angola, 140 registered and 167 with pending registration procedures.²⁵² Moreover, the total workforce of the mentioned companies was comprised of 35,715, and the known stock of light arms and weapons 12,087.²⁵³ 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.²⁵⁴

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.

Several factors from the demand and supply side account for this post-war boom. 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 1994.²⁵⁵ 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.

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.²⁵⁶ In 2005, research by the Institute of Security Studies on small arms in Angola found that most respondents in focus group interviews conducted in the central province towns Huambo and Kuito (Bié) had no knowledge of the existence of private security companies.²⁵⁷ In fact, 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) have long presented a major focus for PSCs outside Luanda. However, in the course of the reconstruction boom and the expansion of businesses, such as banking and formal diamond mining, PSCs have gradually expanded their activities to other provinces, following clients in need of protection across Angola.

²⁵¹ Estimates from Vines 2000, p. 186; Gen. Agostinho de Matos (Alfa 5). *Sapo especial: Angola 25 anos*, 18.11.2000 (no longer accessible on the internet).

²⁵² LUSA: "Luanda tem 307 empresas de segurança privada." 19.5.2004, LUSA: "Empresas de segurança privada controlam 7.600 armas de diversos calibres." 28.4.2005.

²⁵³ Ibidem.

²⁵⁴ According to Abrahamsen / Williams (2005), Nigeria has approximately 1,200 PSCs with 100,000 employees, and Kenya 1,200 PSCs with 48,000 employees. (Rita Abrahamsen / Michael C. Williams. 2005. *The Globalisation of Privatised Security*. Country Report Nigeria, Country Report Kenya; Abrahamsen / Williams 2006, p. 14, p. 6.)

²⁵⁵ João Gomes Porto / Imogen Parsons / Chris Alden. 2007. *From Soldiers to Citizens. The Social, Economic and Political Reintegration of UNITA Ex-Combatants*. Institute for Security Studies (ISS), Monograph N° 130, March, p. xvi

²⁵⁶ Quoted in field notes from Ana Leão, ISS, 2005.

²⁵⁷ Field Notes from Ana Leão, ISS, 2005.

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.²⁵⁸

The following is a description of the 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 the state-owned oil company Sonangol and the multinational oil companies Chevron-Exxon, Total, Norsk-Hydro, Esso, Petromar and Halliburton. Beyond this, Teleservice also holds contracts with diamond companies in Lunda Norte.²⁵⁹ 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, 2,400.²⁶⁰

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.²⁶¹ The company holds over half of the security contracts with diamond companies. In 2000, the company confirmed to have over 2,000 employees.²⁶²

Mamboji SARL,²⁶³ 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 private security companies by law. In 2005, the company stated to be employing 4,000 security guards.²⁶⁴

²⁵⁸ 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. 2004. Angola – Reaping the benefits of Peace? *Sida Country Economic Report*, 5, p. 33.)

²⁵⁹ 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. 2006. Operation Kissonde. The diamonds of humiliation and misery. Cuango, Lunda Norte, Angola, pp. 61f.)

²⁶⁰ Henrique Morais, general manager of Teleservice, interview in *World Investment News*, 30.3.2001. No current numbers of staff are provided publicly.

²⁶¹ 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.)

²⁶² Interview with Gen. Agostinho César de Matos. "Sapo especial Angola 25 anos", 18.11.2000 (no longer accessible on the internet). No current numbers are publicly provided by the company.

²⁶³ Allegedly owned by Fernando Dias dos Santos "Nandó, the current Prime Minister (and former Interior Minister).

²⁶⁴ Angop: "Empresa Mamboji forma quadros congolezes na área de segurança." 3.5.2005.

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.

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.²⁶⁵

Other well-known PSCs owned by senior government officials include **Ango Segur** Lda²⁶⁶, **Copebe** Security Service Angola Lda²⁶⁷, **Alerta** Lda²⁶⁸ 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.²⁶⁹

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**²⁷⁰ 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.²⁷¹ According to Human Rights Watch, LR Avionics also engaged in arms procurement through Slovakia on behalf of the Angolan government in 2001.²⁷²

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.**²⁷³, 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 against the separatist FLEC guerrilla from the Mayombe forest.²⁷⁴ The company denied such accusations by stressing their contract with the state-owned oil company

²⁶⁵ 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).

²⁶⁶ 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." 21.10.2005.

²⁶⁷ 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*, 21.10.2005).

²⁶⁸ Allegedly owned by Aníbal Rocha, provincial governor of Cabinda since 2002, and mainly operating in Cabinda. (International Consortium of Investigative Journalists (ICIJ). 2002. Making a Killing. The Business of War. PMC database, Nov. 2002 - no longer accessible; last accessed in April 2003.)

²⁶⁹ 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>

²⁷⁰ Long Range Avionics Technologies Ltd.

²⁷¹ ICIJ 2002; another Israeli company, Levdan, allegedly also offered a security arrangement for the Angolan president, but the outcome of the project remains unknown. (Ibidem.)

²⁷² Human Rights Watch. 2004. Ripe for Reform: Stemming Slovakia's Arms Trade with Human Rights Abusers, pp.31f.

²⁷³ <http://web.archive.org/web/19980207173333/www.airscan.com> .

²⁷⁴ Interview with Rafael Marques, March 2003.

Sonangol and the Ministry of Fisheries in the environmental area.²⁷⁵ However, in late 2003, Chevron-Texaco contracted the Israeli private military company **Aeronautics Defense Systems Ltd.** for unmanned air surveillance,²⁷⁶ 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.**²⁷⁷ 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.

9 Perceptions of the impact of the private security sector on the local population

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 private security companies and their manned guarding services, while the few existing foreign PSCs seem to be rather invisible and less noticed by the public. The most controversial issues 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.²⁷⁸ 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.²⁷⁹ 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 reason 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

²⁷⁵ Interview with Airscan official, March 2003.

²⁷⁶ <http://www.aeronautics-sys.com>. Afrique Energy Intelligence: "Aeronautics Defense Systems, Protecteur de Chevron." 29.10.2003. 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." 3.6.2005).

²⁷⁷ <http://web.archive.org/web/20051215073202/http://www.silver-shadow.com/> (for Dec. 2005). See also La Lettre du Continent: "Angola/Cabinda: Henrique Nzita Tiago". N° 520 21/06/2007.

²⁷⁸ Interviews with Angolan civil society organizations, May to June 2007.

²⁷⁹ Alex Vines / Nick Shaxson / Lisa Rimli. 2005. Drivers of Change Angola. Position Paper 1, Economic change and reform.

security a business".²⁸⁰ 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.²⁸¹ 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-ranking political status of their main shareholders, and alleged orders coming from Luanda.²⁸²

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 have alleged that private security guards were hired for 24 hours surveillance of their home residences²⁸³, while others question more generally to whom PSCs are accountable to and for what purposes do they need the information they collect on persons.²⁸⁴ 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".²⁸⁵

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.²⁸⁶ 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".²⁸⁷ 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."²⁸⁸ (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.²⁸⁹ 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

²⁸⁰ Interview with representative of faith-based organization, May 2007.

²⁸¹ Interviews with Angolan civil society organizations, May to June 2007.

²⁸² Marques 2006, p. 14, p. 17.

²⁸³ Interviews with Angolan civil society organizations and opposition parties, Luanda July 2004; Interviews with Angolan civil society organizations, May to June 2007.

²⁸⁴ Interviews with Angolan civil society organizations, May to June 2007.

²⁸⁵ Herbert M. Howe. 2001. *Ambiguous Order. Military Forces in African States*. Boulder, Lynne Rienner, p. 224.

²⁸⁶ Interviews with Angolan civil society organizations, May to June 2007.

²⁸⁷ Quoted in Vines 1999, p. 186.

²⁸⁸ Rádio Nacional de Angola: "Comissário Ekuikui põe travão na desordem." 28.1.2006.

²⁸⁹ Abrahamsen/ Williams 2006, pp. 7f. See also Abrahamsen / Williams 2005, Country report: Kenya.

bring some benefits for the business investment climate in the country.²⁹⁰ 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 a some apprehension.

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 is at stake, as well as the type of arms used by PSCs. The law 19/92 demands a clear 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.²⁹¹ 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.²⁹²

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”.²⁹³ 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.²⁹⁴ In May 2006, the Prime Minister – significantly alleged to be a shareholder of Visgo²⁹⁵ – 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.”²⁹⁶

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.²⁹⁷

²⁹⁰ Interviews with Angolan civil society organizations, May to June 2007.

²⁹¹ Rádio Nacional de Angola, 28.1.2006; *Jornal de Angola*, 2.2.2006.

²⁹² Interviews with Angolan civil society organizations, May to June 2007.

²⁹³ Amnesty International. 2007. Angola - Lives in Ruins. Forced Evictions continue; Human Rights Watch /SOS Habitat. 2007. ‘They Pushed Down the Houses’. Forced Evictions and Insecure Land Tenure for Luanda’s Urban Poor.

²⁹⁴ Interview with Angolan civil society organization, April 2007.

²⁹⁵ Visgo Segurança e Proteção Ltd. Interview with Angolan civil society organization, April 2007.

²⁹⁶ Voz da América: “Governo explica-se sobre demolições e expropriações de terras.” 2.5.2006.

²⁹⁷ Interviews with Angolan NGOs and international organizations, May to June 2007.

As documented by field research since 2002,²⁹⁸ 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.²⁹⁹

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.³⁰⁰ 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.³⁰¹ 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.³⁰²

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.³⁰³ This has fuelled a sense of political and economic exclusion by the ruling elites in Luanda and nurtured perceptions of ethnic separateness.³⁰⁴

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.³⁰⁵ However, the role division between PSCs and public security forces seems to be governed by shifting, volatile and largely in-transparent ad hoc arrangements. Marques / Falcão de Campos (2005) attributed documented cases of serious human rights abuses³⁰⁶ 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

²⁹⁸ Justin Pearce. 2004. War, peace and diamonds in Angola. Popular perceptions of the diamond industry in Angola. *Institute for Security Studies Situation Report*, Rafael Marques / Rui Falcão de Campos. 2005. Lundas - The Stones of Death. Angola's deadly diamonds. Human rights abuses in the Lunda provinces; Marques 2006.

²⁹⁹ Pearce 2004, p. 10

³⁰⁰ See Dietrich 2000.

³⁰¹ Pearce 2004, p. 10.

³⁰² 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). 2000. 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 privés de sécurité. Mémoire soumis au Rapporteur Spécial sur l'Utilisation des Mercenaires de la Commission des Droits de l'Homme des Nations Unies, 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.

³⁰³ As regularly reported in a wide range of local media reports since 2002 (*Jornal Apostolado, Rádio Ecclésia, Voz da América*).

³⁰⁴ Ibidem; See also Pearce 2004, pp. 12ff.

³⁰⁵ Marques/Falcão de Campos 2005, p. 14.

³⁰⁶ Including arbitrary detentions, beatings, cruel treatment, torture, assassinations and rape.

escalation of human rights abuses by PSC agents, including degrading treatment, torture and illegal detentions of informal miners.³⁰⁷ Marques suggests the main reason for this PSC behaviour is that the government has 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.³⁰⁸ 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.³⁰⁹

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.³¹⁰ Thus, 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”.³¹¹

The report by Marques sparked off a debate in Angola and at the international level³¹² 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.”³¹³

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.³¹⁴ However, in the perception of Angolan civil society organizations, prospects for such a policy to prevail seem un-realistic, due to capacity 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.³¹⁵

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 implementing regulations as well as national legislation concerning arms use

³⁰⁷ Marques 2006, p. 78.

³⁰⁸ 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 2004. Diamond Industry Annual Review. Republic of Angola 2004. July, pp. 8f.; Pearce, 2004, pp. 12, 16f.).

³⁰⁹ Marques 2006, p. 78.

³¹⁰ Ibidem, p. 79.

³¹¹ Ibidem, p. 7 (here translation from Portuguese version from the author).

³¹² The debate since 2006 including responses from client companies can be tracked on: <http://www.business-humanrights.org>.

³¹³ World Bank. 2006. Oil, Broad-Based Growth and Equity. Country Economic Memorandum Angola, p. xii.

³¹⁴ Interviews with Angolan civil society organization in Luanda, July 2004; Field notes of Ana Leão, ISS, 2005.

³¹⁵ 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, 6.9.2006). The National Police claims to have collected 140,000 firearms from 1999 to 2006 (*Angop*, 12.3.2007), 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.” (27.6.2006 in New York).

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 identified 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.³¹⁶ As one interviewee bluntly expressed, “private security companies bring no security; all they do is scare people.”³¹⁷ 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.³¹⁸

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.³¹⁹ 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.³²⁰ 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.”³²¹ 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.

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.³²² 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 2006.³²³

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.

³¹⁶ Interviews with Angolan civil society organizations, May to June 2007.

³¹⁷ Interview with representative of Angolan faith-based organization, June 2007.

³¹⁸ See Amnesty International, *Beyond the Law*, 2007, p. 2.

³¹⁹ 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.

³²⁰ Angolan Justice Minister Manuel da Costa Aragão, 27.6.2006 in New York.

³²¹ Field notes from Ana Leão, ISS, 2005; interview with the NGO Angola 2000 in Luanda, July 2004.

³²² LUSA 28.4.2005; interview with Angola 2000 in Luanda 2004; Field notes from Ana Leão, ISS, 2005.

³²³ Interviews with Angolan civil society organizations, May to June 2007.

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.³²⁴ 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 15,000.³²⁵ 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.³²⁶ 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.³²⁷ 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."³²⁸

Working conditions in the private security industry are often harsh, implying 24 hours shifts without including food or medical subsidies.³²⁹ 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.³³⁰ 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,³³¹ or up to USD 2,000 for manned protection of a household per month.³³² 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.³³³

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

³²⁴ 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.

³²⁵ IRIN: "Demobilized soldiers find work in the security industry." 14.6.2004. See also <http://www.guardasegura.com>

³²⁶ Abrahamsen, Rita / Michael C. Williams. 2005. The Globalisation of Privatised Security. Country Reports Nigeria, Kenya and Sierra Leone.

³²⁷ 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 Lunda recent years.

³²⁸ Interview with Angolan civil society organization, June 2007.

³²⁹ *Jornal de Angola*: "Excesso de carga horária preocupa Sintesap." 4.1.2004.

³³⁰ Interviews with Angolan civil society organizations, March to June 2007; *Jornal de Angola*: "Seguranças exigem salário mínimo de USD 400." 6.3.2004.

³³¹ *Jornal de Angola*, 6.3.2004.

³³² IRIN, 14.6.2004.

³³³ Interviews with Angolan civil society organizations, March to June 2007.

guards of PSCs were one of the main groups involved in lawsuits related to the illicit use of firearms.³³⁴ 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.³³⁵

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."³³⁶ 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.³³⁷

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 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.³³⁸ 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. The former (and later dismissed) head of security of Sonangol, allegedly a major shareholder of a little well-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.³³⁹

There has been a first collective attempt by employees of PSCs to push for better working conditions. In 2003, a trade union for PSC workers³⁴⁰ was established, which in 2004 presented demands of a monthly minimum salary of USD 400, among others.³⁴¹ 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".³⁴² 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

³³⁴ LUSA, 28.4.2005.

³³⁵ *Jornal de Angola*, 28.1.2006.

³³⁶ *Jornal de Angola*: "Polícia condiciona admissão de pessoal em empresas privadas de segurança." 10.8.2007

³³⁷ Interviews with Angolan civil society organizations, May to June 2007.

³³⁸ *Jornal de Angola*: "Segurança privada." 14.10.2006. The company in case was apparently Protector Ltd.

³³⁹ *Semanário Angolense*, "Cabritismo atinge segurança da Sonangol." 21.1.2006; "Furtos afastam Bonsamba." 2.9.2006; "Responsáveis da petrolífera com apetites no negócio." 2.9.2006.

³⁴⁰ 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).

³⁴¹ *Jornal de Angola*: "Excesso de carga horária preocupa Sintesap." 4.1.2004; *Jornal de Angola*: "Defendidos USD 400 como salário mínimo." 21.2.2004; *Jornal de Angola*: "Seguranças exigem salário mínimo de USD 400." 6.3.2004

³⁴² *Jornal de Angola*, 6.3.2004.

opportunities. Moreover, implementation of labour laws in Angola continues to be poor and strike laws restrictive.³⁴³

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.³⁴⁴

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 private security companies 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.³⁴⁵ 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.

³⁴³ See UNI-Africa. 2005. Report of the UNI-Africa Mission to Angola; report of the International Confederation of Free Trade (ICFTU). 2006. Internationally recognized core labour standards in Angola. Report for the WTO General Council Review of the trade policies of Angola.

³⁴⁴ Interviews with Angolan civil society organizations and international organizations, March to June 2007.

³⁴⁵ Richards/Smith 2007, p. 1.

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.

IV 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, such as 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.

a) 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.

b) 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.

c) 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 common 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, PSC staff is allegedly engaged in extortion, kidnapping and the smuggling of drugs. The latter was 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.

d) 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, it is also the inability of the government to establish a regulatory framework for PSCs that contributes to the perception of governmental weakness regarding PSCs, as well as the state's lacking ability to restrict improper conduct by security firms. Perceived impunity of some PSC staff for committed crimes 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.

e) Employment opportunities

In both Angola and Afghanistan, it was positively acknowledged by interview partners that the PSC industry brings about positive 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, "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 country cases suggest a widespread distrust concerning PSCs and a seeming increase of a 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 findings, 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 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, or 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.
- 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
Kabul (3 focus groups)			
NGO Leaders, Intellectuals, Media	6	5	1
Young Leaders	6	5	1
Mixed background, included people from Logar	33	21	12
South of Afghanistan			
Kandahar	18	18	0
Helmand (but held in Kandahar)	12	12	0
South-east of Afghanistan			
Khost	17	12	5
Paktia	22	16	6

Appendix II: Overview of PSCs working in Afghanistan

Table 1. Overview of PSC Services Provided in Afghanistan

Type of Services Provided ³⁴⁶	Who provides it
Consulting/Advise <ul style="list-style-type: none"> 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
Training and instructions (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, WSI for ANA and ANP; and ArmorGroup, Centurion, Control Risks, Hart Security and SSI for NGO training). ³⁴⁷
Logistic support; 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>) ³⁴⁸ for transporting supplies for PSCs.
Maintenance (arms, security systems)	International firms and staff, supported by local ones, various firms.
Intelligence and Risk Management Services (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
De-mining	International firms and advisors, local staff carrying out work (e.g., Ronco)
Poppy Eradication	International firms, mix of International/qualified local staff (e.g., DynCorp)
Interrogation (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 ³⁴⁹)	International firms and staff (possibly with national staff), e.g., Blackwater. ³⁵⁰
Static Guarding Sector/Site protection (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 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.

³⁴⁶ Typology was inspired by Schreier/Caparini 2005.

³⁴⁷ See Renouf 2007.

³⁴⁸ Information provided by former western diplomat and UN official, e-mail, 30 June 2007.

³⁴⁹ Schreier/Caparini 2005; see also Singer 2004. For Afghanistan see Robichaud 2007.

³⁵⁰ 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.

Type of Services Provided ³⁴⁶	Who provides it
Personal (VIP) Protection/Mobile Security (may include convoys)	Mix of international and local companies, depending upon who is guarded. Clients can stipulate who guards them.
Electronic security and surveillance sector (alarm system of all kinds)	Mainly international firms with mix of international and qualified local staff, various firms, e.g., Compass, UXB International
Election Support (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
Domestic	20	
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 Crown, 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)
International	57	
US	21	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 <i>Indicated as US-Afghan Partnership</i> (6): 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)
UK	17	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 <i>Indicated as UK-Afghan Partnership</i> : TOR Afghanistan (Afghan-England)
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)
Unclear Origin (many likely to	13	Boost Kabul Service (BKS), Hamraz Manpower Management, Hemayat Az Jawanan, Helmand Wall Co.,

Country/License Type	Number	Name of Companies
be Afghan)		CLS, ARS, Govern State, Ralraz, Shamal-e-Karwan, Professional Turk, IRSM, Cel Ratbak Group, Jary International Security.
TOTAL	90	

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:
 - o UNAMA list (4): Boost Kabul Service (BKS), Hamraz Manpower Management, Hemayat Az Jawanan, Helmand Wall Co.
 - o 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,³⁵¹ Erinys Ltd., Group 4 Security,³⁵² Napier Consulting,³⁵³ Ronin Concepts

³⁵¹ But they did register as a Business Risk Management company (information provided by representative of private security firm, 5 June 2007).

- 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,³⁵⁴ and is also in charge of the training of the Afghan police. The Mol seems to be aware of this inherent contradiction.³⁵⁵

³⁵² 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.

³⁵³ According to website they provide security advice among other services such as project management.
<http://www.napierco.com/>

³⁵⁴ 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.

³⁵⁵ Information provided via e-mail, PSC representative, June 2007

Appendix III: Summary of main issues of draft PSC regulation in Afghanistan (August 2007)³⁵⁶

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.

³⁵⁶ 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 MoI 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)³⁵⁷ 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 MoI (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 MoI.
4. The regulation prohibits the hiring of active duty personnel of the ANA and ANP.

³⁵⁷ 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.³⁵⁸

³⁵⁸ 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



Sexta-feira, 31 de Julho de 1992

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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

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.

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, edificios 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 Consulados acreditados 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 entretanto 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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For the study, additional information was used from different issues or releases of the following newspapers, journals and press services: Angop; Associate Press; CDC News; Jornal Apostolado; IRIN; Jornal de Angola; La Lettre du Continent; LUSA; Rádio Nacional de Angola; Semanário Angolense; Voz da América; and World Investment News. More detailed references are in the footnotes to the text.