

Paul Kennedy

Most of the great thinkers who've written about the state have come to the conclusion that its overriding purpose is to provide for the security of its citizens. In order to prevent what Thomas Hobbes calls "the war of every man against every man," there must be a single power which alone can exercise legitimate violence, a power to "over-awe them all," as Hobbes says. And this is pretty much how we still define the state. Somebody else can run the buses or pick up the trash, but the power to punish and deploy armed force must remain with the only institution that represents and embodies us all: the state.

That's the theory. In practice, things are changing fast. During the last 20 to 30 years, the proportion of police and military power in private hands has steadily grown. In the United States today, more than 10,000 private security companies employ an estimated 2-million guards, four times the number of state and local police officers. In South Africa and Brazil, private security outweighs the public police by a ratio of three to one. Private military companies have also grown dramatically and now constitute an estimated \$100-billion-a-year business. In Colombia, their role is so important that a spokesperson for Human Rights Watch has quipped that the civil war there has been outsourced.

This worldwide expansion of private power is our subject tonight. The program is Part 2 of a special 10-hour series called "In Search of Security." It's presented by David Cayley.

David Cayley

In the period after the Second World War, a condition called "development" was projected as a universal destiny. The path to this goal might be communist or capitalist, but all countries could be categorized as either "developed" or "developing." At the end of the road lay a shining city: a comprehensive state capable of protecting and providing for all its citizens.

But for most of the last 30 years, this shimmering Oz has been under siege. Debt, deregulation, downsizing and sheer disillusionment have all done their worst. Poor countries have seen once expanding governments virtually dismantled by the International Monetary Fund, and even powerful and prosperous states have shrunk.

This weakening of the state has had profound consequences for security. No state can now afford to supply all the policing its citizens demand, and some lack the capacity to provide any at all. In many countries, such police forces as there are may be predatory and corrupt. The result has been a massive expansion in private security arrangements.

Our survey of these new arrangements begins in a country where the failure of the state was particularly catastrophic: Russia. Vadim Volkoff is a sociologist and political economist who teaches at both the European University and the Higher School of Economics in his native St. Petersburg (Leningrad when he was born). He has just published a book called Violent Entrepreneurs: The Use of Force in the Making of Russian Capitalism. In this book, he deals with the period after the collapse of the Soviet Union, when the old order had disappeared, and the new had not yet taken shape. In these circumstances, Volkoff says, business could only be conducted under what he calls "private protection." And there was a vast pool of unemployed and dishonoured men willing to provide such protection. One such source was the veterans of the Soviet Union's disastrous war in Afghanistan...

Vadim Volkoff

Nobody cared about these people. They were left to themselves. And also, this war was deemed a bit shameful, useless. And these people did make sacrifices, and this was their life, and this was their risk, and this was their common brotherhood. So, they had to somehow survive, and some of them — not all of them but some of them — basically went into private protection very quickly. Also, sportsmen. Sport was a very powerful institution in the Soviet Union, and it was all subsidized by the state. There was no professional sport. So, when the state's subsidies dwindled, and the prestige of sports went down, what do you do? You adapt. You use your skills for a different purpose. And the state apparatus was huge: over 1-million policemen. I don't know how many state security, the KGB. The exact figures are unknown. So, there was a kind of overproduction of people whose profession was connected, or experience was connected with violence, on the one hand. On the other hand, emerging markets generated and fuelled a demand for protection, information and so on.

David Cayley

"Protection," as Vadim Volkoff uses the term, means mainly the enforcement of contracts, with violence if necessary. Business agreements could only be concluded with the participation on both sides of what he calls "enforcement partners," who promised nasty consequences should the agreement not be executed. It was the only way business could be carried on in the absence of the legal guarantees which the state was in position to provide.

Vadim Volkoff

All the major functions of the state, like dispute settlement and justice and protection and physical security and economic security, adjudication, they were privatized by all sorts of agencies that protected economic transactions and negotiated among themselves. And there was a very interesting type of justice: the state of nature more or less, in practice. The façade of the state was there, with its symbols and officials; but, if we define the state as a monopoly of legitimate violence, justice and taxation, there was none. The state itself became a kind of private protection company with its offices in the Kremlin. It was superior to any other private protection organization when it wanted to pursue its own interests, but it didn't exercise a general monopoly or priority in this key field for the state, and it didn't fight against organized crime

David Cayley

In the midst of this free-for-all, the Russian government made what Vadim Volkoff considers an extremely crafty move. It created a legal private security industry and a legislative framework to govern it. This provided a legitimate alternative to the criminal syndicates. So, when the former state security agency, the KGB, was broken up and reduced in size, as it was at this time, many of those who were let go were able to take the option of forming lawful private companies.

Vadim Volkoff

I think it was a very wise decision by the state to actually introduce a legal framework because it made this murky field of private protection more legible to the state, more accountable, and, over time, of course, subject to regulation. The law was adopted in March 1992 and, once it started working, the growth was tremendous. So in '93, there were already 4,500 formally registered private protection

agencies, 6,500 in '94, and 50 per cent growth each year and almost 13,000 now.

David Cayley

These 13,000 companies today employ about a quarter-of-a-million armed security guards. These private guards are still greatly outnumbered by the 1-million state police, but the numbers are deceptive because in Russia the state also provides private security.

Vadim Volkoff

Simultaneously with this law in the same year, 1992, they passed a kind of decree whereby they created the so-called "Extra Departmental Protection Service," which is the same police in the same uniform but acting on a commercial basis, as it were, selling security on a commercial basis. We cannot blame them because the state coffers were empty, and the salaries of policemen were extremely low. It was an adaptive measure to raise what were called extra-budgetary funds by creating this commercial service, which was more efficient and which of course serviced those who could pay. And even now the incomes of policemen, their private incomes from off-duty policing and off-duty security are higher than their state duty income. So, they earn more working on the market than in the state service

David Cayley

The rise of private security companies tended to push criminal protection agencies more to the margins of the economy. Emerging businesses no longer had to rely on freelance enforcers, as they had in the early '90s. And by the later '90s, the participation of overtly criminal gangs in the Russian economy was much reduced. But one unfortunate result of this reduction in organized crime, Vadim Volkoff says, was an increase in disorganized crime.

Vadim Volkoff

Organized crime went down at the end of the '90s, partly because it became legitimate and invested into legitimate business and its patterns of activity changed, partly because it couldn't withstand the competition in security markets. But the result has been an increase in disorganized crime, which is much worse for the population. Those people who in the past were members of well-disciplined criminal groups doing their private protection business were now jobless. And then there were also new young

people who were tough and who went into the cities looking for incomes and couldn't find them. They spontaneously created gangs, which do violent robberies, and the level of public safety is going down.

David Cayley

More dangerous streets are now creating the same situation in St. Petersburg as prevails in many other cities around the world. Those who can afford it buy private security and create safe areas. The rest put up with the danger and disorder. But despite this increasingly unequal access to safety, Vadim Volkoff says that, in his view, private security is still a good thing.

Vadim Volkoff

Private security is a good sign, given that it's well-regulated and works in a well-enforced, rational legal framework. And I like the idea that, even though the manifest goal of private security is to market security as a commodity, to provide it on a private basis, there is a kind of spinoff, an unintended consequence, which is the increase of public security as well.

I think there is an inherent tendency in security to become a public good because it refers to the quality of the environment. And what is a public good? A public good is not something that is provided by public agencies. A public good is something that is non-exclusive. You cannot exclude other people from consuming it. This is the definition of the public good. It's indivisible. You cannot give this or that person just so much of a public good. Like the air we breathe, it's very hard to exclude other people from consuming it.

Of course, you can provide security on a private basis in the form of the security camera, in the form of the fence, in the form of the concrete policeman guarding the concrete entrance to a concrete place. But it generates spinoffs for public security because security is an environment

David Cayley

Security is an environment, according to Vadim Volkoff, something indivisible, and, therefore, increased security for some must mean, at least in some small measure, increased security for all. It's a thought-provoking axiom, but it seems to me that it can only apply where the space being secured is in some sense common. How, otherwise, do I benefit from my neighbour's fortifications if all they do is shift the thief's attentions to me?

Unhappily, it appears that such completely private space, unconnected to collective goods, is becoming more and more common in the world's great cities. Criminologist Clifford Shearing speaks of the "fortified fragments" that now cut up urban space and allow some to live in virtually hermetic security bubbles.

It was in just such a bubble that Renata Ferraz grew up. She's a young Brazilian-born colleague who now works in the news department here at CBC Radio. Before emigrating to Canada with her family in 1997, she live in a gated community in the city of São José dos Campos, in São Paulo State.

Renata Ferraz

I only realized how restricted my life was when I came here, because I never knew any different. I didn't know what it was to be free, so you can't miss something you don't have or you've never had. But when I was living in the gated community, I would ride my bike, and I'd have an armed escort patrolling the streets, which is quite ridiculous when you're 14, riding your bike, and there's a guy with a gun on his belt beside you, because he's protecting you.

David Cayley

Are you talking about in the compound?

Renata Ferraz

Yes. I wouldn't really go out for anything. I had a friend, who was ten years old, and she had a scooter to get around five dead-ended streets, so once we pleaded and cried and screamed and begged, until her mom let us out of the gate to ride the scooter. But it was always a very thrilling thing because we'd be scared, and we'd be looking over our shoulders. Is anyone following us? Do we have to stop for gas? It was just our paranoia.

David Cayley

This mood prevailed, Renata Ferraz says, whenever they were outside the gates. Getting her to and from school, for example...

Renata Ferraz

My mom always picked me up right at the door, so I'd get out of the school gate, into my car, into the gated community. So, it's a very safe environment that you build for yourself. And with my mom, who was very paranoid about this, we'd try to leave at different times and take different routes. You don't want people to know where you live or where you're going or coming from. You're almost living like a criminal, because I know criminals do that. You're adopting their strategies to run away from them, which is something very weird in my opinion, but we did do that sometimes, take a different route home.

David Cayley

Behind these precautions lies a fear of violence that is quite well-founded. In São Paulo state during the last three months of 2002, the police registered over 4300 murders, almost 2800 attempted murders, more than a thousand rapes and 227,000-plus thefts. It should also be noted that the police themselves kill hundreds of people a year in São Paulo. Project these numbers over a year, and they diagnose something more than what is conventionally called a "crime problem." They point to a social polarization so acute that it amounts to an undeclared civil war. A recent news report from the city of São Paulo claimed that some wealthy business men there can now travel from their homes to their offices in helicopters, which land on the roof, thus eliminating public exposure altogether. And, when Renata Ferraz returned to Brazil recently and did some research on private security, she discovered that, for those who have to stay on the ground, Brazil also has the world's largest fleet of armoured cars.

Renata Ferraz

You take the car apart, and you coat it with a resistant material to handle bullets, and the glass also is all replaced with resistant glass, so basically it's like you're driving one of the trucks that carry money around. That's what you're driving, in basic, simple terms. You're driving a tank, a combat vehicle.

Now it's also the trend with the wealthy people in São Paulo, and in Rio, to armour their houses. So, they put plates of steel between the walls to handle bullets, and they change the glass also to a very thick glass. And they're putting survival cells inside their bedrooms, which is basically a closet made of 22-millimetre or 44-millimetre thick glass. And it's equipped with an emergency phone line, so if your house gets invaded, you put all your family in that small space, and they can shoot at it as much as they want, and they're not going to break that glass, and you have access to a phone line that still works, even if they've cut your main line, so you can call the police, you can call your friends, you can let people know something is going on.

It's a lot of money too. It's a lot of money. Not only do you have to put your kids in private school, not only do you have to pay your own private health care, you have to do all of this to your house, to your car. And imagine growing up as a kid. You don't know what you're missing out on. You have no idea because that's all you know. They were such normal things to me. But if I tell someone here, they're going to make a face at me, they're going to frown and say, "Really! Are you sure?" "Yes, it's true. That's the way it is."

David Cayley

In 1985, in Brazil, public police officers outnumbered private security agents by a ratio of 3:1. Today the numbers are reversed, and the privates have the 3:1 advantage. Another country which went through a similar transition in the 1990s was South Africa, and there too private providers now predominate by the same 3:1 ratio. South Africa shares something else with Brazil as well: the same skewed distribution of wealth. In fact, South Africa is even more polarized.

Clifford Shearing is a South African-born criminologist who worked for many years at the University of Toronto's Centre of Criminology. Today he directs a centre for security and justice studies at the Australia National University in Canberra. He says that to understand the current situation in South Africa, you have to look at it in historical context.

Clifford Shearing

Apartheid was a policing system based on profiling. Apartheid segregated people so that poorer people

who were also black were not allowed into wealthy areas unless they had a good reason for being there. You needed a pass in order to go there. What this meant was that you could be arrested, you could have police engage with you and remove you from an area not because you had done anything wrong, but because you were there without permission, which is not that different from the way things work at the moment in commercial malls. Often there are long lists of people who are banned from those malls and categories of people who come under surveillance in those malls. So, the kind of policing expertise that the South African police needed wasn't the normal expertise of solving crimes so much as the expertise at being able to segregate and sort people.

Now, when apartheid came to an end and these laws were abandoned, this way of segregating crime, of keeping it in black areas, came to an end.

David Cayley

With the end of apartheid, the South African police had to turn their attention to the entire country. The composition of the police force also changed dramatically. White residential areas no longer got the same attention, so they turned to private security companies. And what particularly interests Clifford Shearing is that these companies now perform functions long considered to be the exclusive province of state police.

Clifford Shearing

For a long time emergency response has been considered to be an essential function of the state police. But, in a number of middle-class areas in South Africa, this function has been completely taken over by private security.

Now, when one goes around South Africa, particularly middle-class areas, as a visitor, one of the things that immediately strikes you is that on every fence, on every wall, on every building, appears the sign of a particular security company. So, you'll see these different security companies' logos up all over the place. Now, one's immediate response is, well, South Africa must have become a much more dangerous place in these areas. And it may or may not have become more dangerous, but that isn't what these private security companies' logos mean. In the past, there was effectively an

invisible logo on each wall which said "the South African Police" because they were the entity that responded to everyone. Now that you have this function of response being distributed between a number of entities, they're announcing which is the entity which operates in this place. So, the mere fact that you have all these signs up doesn't mean that in fact it's any more dangerous. What it is displaying is a change of service provider. Now, not only are private security companies providing emergency response, but collections of residents are now paying for security companies to provide patrol functions. So, this is something else that is often regarded as a core state police function, which is now being taken over, or being undertaken rather, by other entities.

David Cayley

South Africa, Brazil and Russia could hardly be more different societies. Yet they have in common a dramatic expansion in private security during the last ten to 15 years.

The same privatizing trend has also affected the military. Private military companies, by one scholar's estimate, are now a \$100-billion-a-year business worldwide. These companies do not as yet provide troops, though some, as you will hear, would like to, but rather are involved in things like training, protection, military policing and technical support. In Colombia, private companies train and advise Colombian security forces, poison coca fields by aerial spraying and guard pipelines. Above the Balkans, a private company performs aerial surveillance for American intelligence purposes. In Iraq, the new army and the new police force are both being trained by private companies.

Deborah Avant is a professor of political science at George Washington University who has been studying this development for a number of years and has a book forthcoming on the subject. She says that in the US two movements have driven privatization. The first is the vogue for contracting out government services, which goes back to the 1980s. The second was the end of the Cold War.

Deborah Avant

With the end of the Cold War, a lot of Western states promised a peace dividend and the downsizing of their forces, and they did downsize

their forces in the early '90s and throughout the '90s in fact. Yet this downsizing occurred at the same time as a number of small-scale contingencies, as they're now called in the US, erupted, requiring troops to actually be deployed at a much faster pace than they had been deployed during the '70s and '80s. And so, you had this paradox of force downsizing at the same time as all kinds of people were being shipped off to Somalia and Haiti and the Balkans, and that created some stresses on the US military. And the fact that these private companies were there and that they operated on a contract basis, which means they had huge databases full of men and sometimes women, mostly men, that they could pull together for individual contracts made them very flexible in responding to whatever kinds of needs the US government had. And in fact, one of the big areas of growth in contracts with the US government has been in foreign military advice and training. Instead of using Special Operations Forces, they could use former members of these forces that were now employed by these companies. The other big area of growth was in international civilian police. The United States doesn't have an infrastructure for sending international civilian police abroad, and so private companies provided that infrastructure, and virtually every international civilian police officer that the US sent abroad during the '90s was a private employee.

David Cayley

Downsizing cut the military forces of the great powers by some 5- to 6-million people during the 1990s, according to Christopher Spearin. He teaches Strategic Studies at the Canadian Forces College in Toronto, and he says that one of the biggest impacts of this decrease was on the arms market.

Christopher Spearin

With the end of the Cold War, and with the downsizing of armed forces, a lot of weaponry comes onto the market. And for both arms dealers and arms producers, it becomes very much of a cutthroat marketplace. So they are willing to sell their arms to more types of actors or more types of clients and at lower costs. In Africa, the average or the going price for an AK-47, the standard Soviet-era assault rifle, is between US\$7 and US\$15. You can see how these sorts of weapons can spread out and make rebel movements quite a formidable force. So,

in that sense, you have state weakness, but also strength in the rebel movements that are countering the governments of weak states.

David Cayley

This buyer's market in arms heightened the intensity of a number of long-running civil conflicts, in Africa in particular. Irregular armies fought without clear rules of engagement, which made things dangerous for the humanitarian NGOs, who tried to provide food, medicines and shelter. And as a result, Christopher Spearin says, protecting humanitarians became another task of private military firms.

Christopher Spearin

Although many NGO personnel would probably not wish to recognize this, the rise of the importance of private security or private military companies and the rise of NGOs are very much of the same feather, in the sense that they're both representative of downsizing and outsourcing and relying upon private actors, whether that be for the delivery of humanitarian assistance or the delivery of some type of security expertise or security product. And during the course of the 1990s, you saw a certain anemia in many developed world countries when it came to providing troops for peacekeeping operations, and that left humanitarian NGOs very much in the lurch because they no longer had the necessary protection or security in order to carry out their operations. And you see that in terms of the number of times NGO personnel faced threats not only to their operations but also to their lives, and also in many cases, there were kidnappings and even deaths. And so, these firms were thought to provide the protection to allow NGO personnel or other humanitarians to go out and carry out their business.

David Cayley

NGO's, Christopher Spearin says, have been somewhat secretive about this dependence on private military contractors because they fear it will not play well with donors, who might think of these companies as mercenaries. But this is just one of the many uses such companies now have. Another, particularly in the case of the United States, is to further the government's policy without the liabilities that would be involved in committing American military personnel.

Christopher Spearin

If a contractor passes away or is killed in the course of an operation, it probably doesn't even merit a newspaper headline, whereas if an American serviceman or woman dies in the course of an operation, the flag-draped coffin is brought back to Dover Air Force Base, and there's usually some media attention or whatnot. So, there are advantages with private contractors. If you look, let's say, in the context of the Middle East, the United States has for a long time relied upon one firm called Vinnell Corporation, which has a contract to train and advise the Saudi Arabian National Guard, the main institution that guards the Saudi royal family. And Vinnell suffered bomb attacks in the mid-1990s and also in 2003, and yet the contract still exists, the personnel are still there, the work goes on. If you look at the behaviour of the United States in Somalia in the early 1990s, you can see that the death of 18 service personnel pretty much brought an end to that engagement. So, in a certain sense, you can get more bang for your buck by relying on contractors because you can ensure that the project or the program or the policy is going to keep on going without the fear of negative publicity.

David Cayley

The role of the Vinnell Corporation in the Middle East is a good example of the useful ambiguity involved in private contracting. On the one hand, Vinnell is an American company. It's staffed for the most part by ex-military, and its foreign contracts must be licensed by the United States government. On the other hand, it's a free, private agent whose actions the United States can at least partially disown.

Deborah Avant has explored this ambiguity in the case of a large, private military company called MPRI, which in 1994 contracted to train Croatia's military forces. Yugoslavia had only recently broken apart, and at least a third of the area claimed as national territory by Croatian President Franjo Tudjman was in dispute. The Krajina, which Deborah Avant refers to, was one such area.

Deborah Avant

When MPRI went to work for President Tudjman and the Croatian government, it was really a coup for Croatia. They touted it as being an alliance with the United States. Of course, the US government wasn't involved, but they did license the contract, and the

Croatian government did sell it as an alliance with the United States. What the contract effectively did was to solidify Tudjman's power against an increasingly virulent opposition in Croatia, and also convinced the Serbs that they should not fight in the Krajina. And in fact the Croatians had an easier time getting them out of the Krajina than anyone had expected, and many people believed that that was because the Serbs saw the MPRI contract as evidence of US support for Croatia. So, in a sense, what this did for the US government was provide them with a proxy by which they could conduct foreign policy without getting their hands dirty.

David Cayley

This is a policy, if policy it was, that raises a lot of questions. One, which has been of special interest to Deborah Avant, is the question of control. When private companies become instruments of American policy, she asks, does the policy become, in some measure, a hostage to the interests of these companies? She begins her answer by distinguishing the different meanings of control.

Deborah Avant

One of the many complexities of looking at this issue is the complexity of trying to figure out what "control" means. When we want to control military forces, one of the things we want to do is make sure they're effective, that they can do what we want them to do, and I call that "functional control." Another is to make sure that they bow to the set of powers that are in place, and I call that "political control." And the third thing is to make sure that they abide by the social values that undergird a certain political order, and I call that "social control."

In the cases that I've examined — and I've examined nine different relationships and probably close to 100 different contracts — in virtually every instance, political control, meaning who gets to decide about the use of force, shifts when you contract as opposed to using state forces. And so, my thesis, if you will, is that the privatization of security sometimes improves functional control and sometimes even improves social control, although both can go in both directions, but it always redistributes power over the control of force, and that's the thing that we should probably pay the closest attention to.

David Cayley

Can you give an example of what you would regard as a strong case of redistribution of political control?

Deborah Avant

I think, paradoxically enough, some of the strongest evidence comes from the US government. You would assume that the US government is so strong that it would obviously be able to control contractors. But look at MPRI's contract in the Balkans with the Bosnian military. When that contract was written, it was written between the Bosnian military and MPRI. Contracts that are written directly between a company and a foreign government do not have to be approved by Congress, or Congress does not even have to be notified of them unless they're over \$50-million. But more than that, the contract is a particular kind of instrument. It's a contract. It operates for a certain amount of time. It specifies jobs. And in the Balkans, US policy was often much more fluid than the contracts were. US policymakers in the Pentagon, in the Balkan taskforce, in the State Department wanted to respond quickly and flexibly to events on the ground in order to solidify the formation of a government in Bosnia. The fact that MPRI had a contract for a specific amount of time made fluid adjustments more difficult; and it also sometimes led the Bosnian government to have interests that aligned with MPRI, interests that were legitimated and written down in the contract, and that frustrated efforts by the US government to move money, say, away from training military forces into training police forces or change the direction of military training. And so, people who work on a day-to-day basis on the Balkans at the Pentagon have called contracts a "rigid tool for a fluid environment." And so, essentially, if you're thinking about what kind of redistribution of power that entailed, it meant that power over US foreign policy was given to a certain extent to the Bosnian government, was given to a certain extent to a private company that had commercial interests in the continuation of that contract, and was essentially removed from Congressional oversight. To the extent that control was exercised, it was exercised by the executive — and so, in that sense, the US had lost functional control and redistributed power, as I suggested before, over the control of force.

David Cayley

What Deborah Avant calls the "redistribution of power over the control of force" has now become a matter of urgent and growing concern. During the Gulf War of the early 1990s, private contractors comprised about 1 per cent of the total American military operation. During the recent invasion of Iraq, they comprised 10 per cent. Peter Singer is a fellow at the Brookings Institution in Washington and the author of a new book called Corporate Warriors: The Rise of the Privatized Military Industry. He was interviewed for the CBC Radio program *Dispatches*.

Peter Singer

Not only in the leadup to the war, but during the war itself, there was an incredibly extensive private military presence. The rough ratio was about one private contractor for every ten coalition soldiers. And not only do the numbers matter, but more importantly the types of jobs that they were doing. They were not only handling the logistics, but also providing critical maintenance services on weapons systems, things like the B-2 Stealth bomber, some air defence systems, the Stealth fighter, Apache helicopter. In those cases, the task was basically handed over to private companies. Now we're moving into some of the more sophisticated, next-generation weapons systems where even the operation of them is being handed over. For example, the Global Hawk is not only made by a private company, it's not only maintained by a private company, it's even flown by a private company. Some of the air defence networks are similarly operated in part by private companies.

That was extensive enough. Let's take it to the next level and ask, What's happening within the occupation period? Well, the private presence is even greater, and it's because of a disconnect between supply and demand. Basically, US forces are stretched thin on the ground. You had a very bad planning effort that didn't anticipate a lot of the problems that have occurred. And so, a lot of the new tasks are basically being handed over to private companies. For example, the post-Saddam army, the post-Saddam paramilitary, the post-Saddam infrastructure security service and the post-Saddam police are all going to be trained and formed and led not by US military officers, but by private companies. And basically the US military would not be effective,

and in many cases would simply not be able to operate without the presence of these private personnel there. And that's a description of the US military, but it's a trend that we're seeing all across the Western militaries: with the Australian military, with the Canadian, with the Brits et cetera. It's a trend that's in place. That's why we have to catch up to it.

David Cayley

Private companies, working in tandem with a professional army, have become a way of executing a policy on which American public opinion might quickly sour if a lot of citizen soldiers were involved. The same point applies to UN peacekeeping operations. As the number of situations potentially requiring peacekeepers has increased, the number of troops developed countries are willing to commit has declined. The result has been that UN peacekeeping forces are now largely drawn from poorer countries, for whom UN service is a paying proposition. But these troops have not always been well-trained, well-led, or well-controlled. Into this vacuum has stepped a consortium of private military companies called the International Peace Operations Association. We will do it, the Association has told the UN, and we will do it under whatever conditions you see fit to impose. Doug Brooks of the International Peace Operations Association was also interviewed by CBC Radio's *Dispatches*.

Doug Brooks

When you're looking at the peacekeeping industry, it's a huge industry. The UN is spending probably a billion dollars this year in the Congo alone. For a private company — most of these companies are probably under \$4 or 5-million in turnover every year — that's a huge market, so they're willing to jump through any hoop we want to design in terms of transparency, accountability, making sure that they follow all the regulations that we'd like them to follow. Now, it would be lovely if we had more accountability and laws on the books about this sort of thing, but until we get to that point, we can control them contractually. We can say, "Okay, if any of your employees, for example, get involved in conflict diamonds, we will fine you. We will take the money out of your contract." And the companies will sign up for that. The reason is that they're confident of the people they hire. They're confident that they can do this sort of thing. And I think we have to keep in mind

that we need to compare them to what we have now, which is a complete lack of accountability, a complete lack of transparency in UN peacekeeping operations. Things go on all the time. You don't hear about it much because we need those peacekeeping operations. The last thing we want them to do is pull out. But it's going on. I mean, there's all sorts of humanitarian issues. The Congolese have been screaming about what's going on with the UN operation there. We're talking about human rights violations, we're talking about sex crimes, we're talking about running brothels with children. This has been going on for a long time, and the Congolese know about it, but it doesn't get out much to the regular press.

David Cayley

According to Doug Brooks, the current UN force in the eastern Congo is both corrupt and ineffective. Indeed, he has described the situation in that country as a "slow genocide," a term which the estimated 3,000,000 dead so far seems to bear out. Brooks believes that private companies operating within clear public mandates could do much better. His association has laid out its plan for private peacekeeping in the Congo in what it calls a "concept paper."

Doug Brooks

In our concept paper for Congo, for example, we promise greater accountability and transparency than any UN operation ever, and that's not saying too much. When a national force goes in and does a peacekeeping operation in another country, you don't get much transparency. You don't get much control of the national force. Often when they're ordered to do something, the first thing they'll do is call their capital and find out if it's okay to do what the UN is requesting them to do or, I should say, ordering them to do. It's a problem. It makes UN operations very, very difficult to move forward with.

Now, let's be clear about this: We support the UN. We support the use of international mandates from the UN, or from a regional organization, like ECOWAS. You need that sort of legitimacy, that sort of legality before you're going to get ethical companies working in these sorts of things. Once you have that legitimate mandate, then there's nothing wrong with hiring a private company that can do a job better. If you don't, if you go on with

Western-less peacekeeping, you're talking about essentially killing a lot of people because of ineffective peace operations.

David Cayley

What Doug Brooks calls "Western-less peacekeeping" is peacekeeping without Western troops — a sensitive point, as you can imagine. But Doug Brooks' proposal seems doomed, in any case, by the UN's inability to get to grips with the issues posed by private military companies. On the one hand, UN agencies like UNICEF and the High Commission for Refugees employ private companies in their operations. On the other, there is a faction that regards these companies as no different from the mercenaries and soldiers of fortune that are condemned and outlawed by a UN convention. This ambivalence is symptomatic of a wider problem. Mercenaries are familiar. Private military firms are something new, particularly private military firms with codes of ethics and a willingness to do the dirty work of humanitarian intervention for pay when no one else will do it for love. One of the grey areas, says Deborah Avant, is law.

Deborah Avant

These companies do not have a clear status in international law or in domestic law. And when companies misbehave when they're executing contracts or when individuals employed by companies misbehave, it's unclear who gets to punish them, and that's a huge issue.

The other thing is, in execution of contracts in a conflict situation, if members of these companies are captured, what will be their legal status? Are they combatants and considered prisoners-of-war? Are they non-combatants that are essentially executing violence and therefore considered war criminals and potentially executable? That's something that is not clear at all.

David Cayley

As well as these legal issues, there is a question of how and by whom private military companies will be regulated. And adequate regulations must be written soon, Peter Singer says, because events are rapidly outrunning policy and may soon force the UN's hand.

Peter Singer

That's really my fear, is that we're going to be forced into a decision by our failure to deal with the issues. And essentially what happens is, every time there is a humanitarian disaster somewhere, you have this scramble within the international community, particularly within the UN, of going about, with tin cup in hand, and saying, "Is anybody interested in deploying into this region and saving civilian lives?" And often at the start of it, very few states and often none of the parties within the region are willing to go in there. And then you have the offer from a private company or many private companies saying, "We'd be willing to go in there." And so, it presents the UN with this difficult decision: Either watch the catastrophe continue, or hand it over to a private company that they're not equipped to handle. That situation happened in the Congo, it happened in Burundi, and it happened in Liberia. Fortunately, in each of those three cases, eventually you got a minimal amount of state willingness to go in, where parties were either embarrassed into doing something or suddenly changed their mind about doing something. The problem is, this is not the way that you go about policymaking, hoping that someone else is going to step to the fore. And at some point, someone is not going to, and we're going to have to turn it over to private companies, without any structures in place

David Cayley

The case for devising regulations and clarifying laws may be urgent, but unwillingness to look private military companies in the eye still seems to hold back change. A great part of the difficulty is that these companies don't quite fit the mental map that was drawn when national states alone exerted force internationally. The state is still supreme in many ways, but its power is undeniably being redistributed, as tonight's program has argued. What this means for the governance of security will be my subject in the next program of this series.

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