Private Security in International Politics:
Deconstructing the State's Monopoly of Security Governance

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ABSTRACT

This thesis examines the theoretical implications of private security for International Relations (IR) theory and global politics from the perspective of a security governance model. It draws upon multi-disciplinary theoretical research on private security to both map the way security governance has been de-linked from the state, as well as to map the public-private hybrids and security networks that constitute private security's continued connection to the state.

On one level, this thesis engages in a direct theoretical critique of Realist theory and its Weberian inspired understanding of the state's monopoly of security governance. Thus, the security governance framework used within this thesis is understood in terms of a theoretical response to the inability of Realist theory to conceptualize the political content of private security.

Against this backdrop of a critique of Realist theory—and its idea of the state's monopoly relationship to authority, territory and coercion—this thesis re-articulates each of these concepts with reference to a security governance approach to the study of private security.

This thesis then provides a positive application of this security governance theoretical framework to a series of original case studies of hybrid public-private and private-private security networks.

ACKNOWLEDGEMENTS

Acronyms

AXO	Abandoned Explosive Ordinance
BAPSC	British Association of Private Security Companies
BARS	Background Asia Risk Solutions
CPA	Coalition Provisional Authority
CQD	Close Quarters Defence
DARC	Direct Action Resource Center
DEA	Drug Enforcement Agency, United States
DfID	Department for International Development, United Kingdom
DMA	Defence Manufacturers Association, United Kingdom
DoD	Department of Defence, United States
DoS	Department of State, United States
DoJ	Department of Justice, United States
DoE	Department of Energy, United States
DSS	Diplomatic Security Service, US State Department
EEZ	Exclusive Economic Zone
ERW	Explosive Remnants of War
EU	European Union
FAO	Food and Agriculture Organization
FCO	Foreign and Commonwealth Office, United Kingdom
FOB	Forward Operating Base
GDMA	Glenn Defense Marine Asia
IED	Improvised Explosive Device
IMCO	Iraq Mine and UXO Clearance Organization
IMMAP	Information Management and Mine Action Programs
IO	International Organization
IPOA	International Peace Operations Association
ISDS	International Security and Defence Systems
IWPR	Institute of War and Peace Reporting
IZ	International Zone
LIS	Landmine Impact Survey
MCS	Monitoring, Control and Surveillance
MPRI	Military Professional Resources Incorporated
NATO	North Atlantic Treaty Organization
NROC	North Reconstruction Operations Center
NGO	Non-Governmental Organization
PIDC	Puntland International Development Company
PSC	Private Security Company
PSD	Personal Security Detail
PMC	Private Military Company
PMO	Project Management Office, Coalition Provisional Authority
QRF	Quick Reaction Force
RIB	Rigid Inflatable Boat
RLT	Reconstruction Liaison Teams
ROC	Reconstruction Operations Center
RROC	Regional Reconstruction Operations Center
RSSS	Reconstruction Security Support Services
SAS	Special Air Service

SET	Security Escort Teams
SME	Subject Matter Expertise
SROC	Satellite Reconstruction Operations Center
SWAT	Special Weapons and Tactics
TEES	Tactical Explosive Entry School
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific, Cultural Organization
USAID	United States Agency for International Development
UXO	Unexploded Ordinance
WRA	Office of Weapons Removal and Abatement, US State Dept.

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1 Introducing a Security Governance Framework to the Study of Private Security in International Relations

'International Relations theorists have always concerned themselves with the possible formation of a supra-state, world-policing body. More attention should be paid to the potential devolution of coercive authority to the "private sector."'[1] – Janice Thomson

Part I.

1.1 *Locating the Problem: The Challenge of Understanding Private Security in Global Politics and International Relations Theory via Weberian (Realist) Theoretical Language*

This dissertation examines the theoretical implications of private security for International Relations (IR) theory and global politics from a security governance perspective. Specifically, it attempts to answer the dual question: 'how can we theorise the political significance of the global expansion of private security, and how does it affect the state's relationship to violence, in both theory and practice?' At the level of our understanding of the state, countless claims have been made within IR literature that the 're-emergence of mercenaries'[2] embodied in the post-Cold War expansion of private security into functions traditionally understood to be carried out exclusively by the state's military or police forces constitutes an 'erosion of the state's monopoly of legitimate violence.'

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[1] Janice Thomson, 'State Sovereignty in International Relations: Bridging the Gap Between Theory and Empirical Research' *International Studies Quarterly* 39 1995.

[2] A discussion on terminology will follow later in the chapter. Suffice it to say here that while 'mercenary' usefully highlights the commercial, private, international and armed (physically coercive) aspects of the subject matter, the word is burdened with normative, legal and other conceptual implications that this thesis rejects out of hand. The terms *private security* and *private security company* (PSC) will be employed interchangeably throughout the dissertation.

Here, then, the expansion of private security has presented itself as a serious theoretical challenge to our discipline's assumptions about the very nature of the state and its core Weberian[3] attribute as a violence monopolist. While this is not a new claim within IR's private security literature, this idea that the current growth of private security is somehow theoretically incompatible with the Weberian language we use to define and understand the state's relationship to violence maintains a persistent and explicit hold on the discipline's imagination. For instance, most recently, the private security analyst David Isenberg introduced his 2009 publication *Shadow Force: Private Security Contractors in Iraq* by suggesting that the prominent role of private security contractors in Iraq was radically juxtaposed to the idea that '[t]raditionally, the ultimate symbol of the sovereignty of a nation is its ability to monopolize the means of violence—in other words, raising, maintaining, and using military forces.'[4]

Importantly, the theoretical implications of private security for IR have not been limited to its relationship to the state. The contemporary growth of private security has also been perceived as offering a theoretical challenge to our Weberian influenced understanding of politics at the level of the global political system as well. For instance, in one early example in IR, Herb Howe stated 'Max Weber cited the monopoly of military coercion as a defining characteristic of the post-1648 state system' in his discussion of the 'ambiguous order' created in part by the growth of private security.[5] More recently, Deborah Avant has argued that the global expansion of private security has meant that 'the market for force has undermined states' collective ability to

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[3] The term 'Weberian' is used to refer to theory, language, or ideas—particularly within Realist thought in IR and Sociology—influenced by the sociological work of Max Weber.

[4] David Isenberg, *Shadow Force: Private Security Contractors in Iraq* (London: Praeger Security International) 2009 p.1.

[5] Herbert Howe, *Ambiguous Order: Military Forces in African States* (Boulder: Lynne Reiner) 2001 p. 2.

monopolize violence in the international system.'[6] Here again, private security has been interpreted as presenting us with a larger theoretical puzzle: its growth seems to undermine the discipline's Weberian conceptual proposition that violence today is—and since the creation of the modern Westphalian system could be unproblematically assumed to be—a system-level monopoly held by the community of states.

Beyond private security challenging some of the Realist language we use to discuss the state and the international system, on a deeper level, the expansion of private security also seems to challenge some of the fundamental binary concepts (i.e. legitimate/illegitimate, public/private, state/non-state, political/apolitical) underpinned by the state-centric IR term 'sovereignty' and its Weberian linguistic cousin, 'monopoly'.[7] Carlos Ortiz, one of the first students of the new role of private security within the field of IR, implicitly demonstrated this point of conceptual confusion when he wrote:

'The spectacular growth of the PMC [i.e. private military company] industry over the last decade marks a profound change in the traditional state monopoly of the legitimate use of violence. The state's possession of the means of coercion has been integrated in a general trend towards commercialisation; *its legitimacy, considered by Max Weber one of the defining criteria of the state, thus is being partly shifted onto the market along with the actual management of security.*'[8]

Here, not only does the growth of private security challenge our Weberian Realist assumptions about 'the defining criteria of the state,' but it also challenges the way we

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[6] Deborah Avant, *The Market for Force: The Consequences of Privatizing Security* (Cambridge: Cambridge University Press) 2005 p.264.

[7] This dissertation argues that the Realist use of the term 'sovereignty' in IR and Realist sociology is essentially a synonym for the term monopoly and the state's mutually constitutive monopoly of authority and monopoly of successful violence. This point will be elaborated later. For the sake of clarity and to avoid further muddying the waters, the term sovereignty is largely dispensed with in this dissertation in favor of the Weberian concept of monopoly, unless reference to 'sovereignty' by another author requires the term's use.

[8] Carlos Ortiz, 'Regulating Private Military Companies: State and the Expanding Business of Commercial Security Provision' in (eds. Kess van der Pijl, Libby Assassi, Duncan Wiggan) *Global Regulation: Managing Crises after the Imperial Turn* (Great Britain: Palgrave, 2004) emphasis added.

conceptualise the location of 'legitimacy' over coercion itself. For Ortiz, legitimacy has moved away from the state towards the private sector where it has been 'partly shifted onto the market.' In making this observation, Ortiz is unsettling Realist and state-centric assumptions regarding the idea of the state's monopolistic relationship to 'legitimate' coercion.

Fundamentally, then, this dissertation argues that the consistent contextualisation of private security in terms of a challenge to the Weberian and Realist idea of 'monopoly' demonstrated above cannot be read as a simple descriptive flourish used to introduce and underscore the significance of private security for the discipline of IR. Instead, it argues that these authors have accurately pinpointed a larger theoretical problem within IR that needs to be addressed directly. Specifically, this dissertation argues that the Weberian (Realist) conceptualisation of authority, coercion and territory—understood as unproblematically organized by the idea of a *state monopoly*—has handicapped IR's understanding of private security. As a result, a richer understanding of private security—in both theoretical and empirical terms—requires breaking down the Realist and state-centric conceptual vocabulary of the 'state monopoly' into its various component parts and reconstituting them within a broader and more complex security governance framework.

1.2 *From a Realist Conception of Government to a Security Governance Model*

Fundamentally this dissertation provides a study of private security from a security governance perspective. Drawing from theoretical research on private security in the field of criminology, this study adopts a security governance model to map the public-private hybrids and security networks that characterise private security's relationship to the state—as well as it relationship to authority, coercion and territory—in global

politics today.[9] In doing so, this dissertation joins the broader global governance literature to argue that the nature of governance itself is shifting from the centralized hierarchies of the state towards a more dispersed and fragmented horizontal network of public and non-state actors and structures.[10]

Importantly, however, this dissertation rejects the idea that these processes of fragmentation associated with the growth of private security can be understood in terms of a direct or straightforward loss of power for the state. Rather than involving a simple 'loss' or 'gain' of state control over security, the growth of private security constitutes a process that is changing the character of security governance while simultaneously having contradictory effects for state power. On the one hand, the growth of private security involves the shift of authority and control over security governance away from the state; on the other, these developments are taking place within the broader context of states using new neo-liberal techniques of 'rule at a distance' in order to control private security (and the clients that use them) in order to maintain their power over security

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[9] While IR has only begun to think theoretically about the role of private security in terms of its expansion into military functions during the last three years, the field of Criminology—with its focus on 'private police'—has been studying this subject for the last 30 years. As a result, it provides the richest source of theoretical writing on the subject. Important works include Nigel South, *Policing for Profit: The Private Security Sector* (London: Sage) 1988; Les Johnston, *The Rebirth of Private Policing* (London: Routledge) 1992; J.W.E. Sheptycki, 'Transnational Policing and the Makings of a Postmodern State' *British Journal of Criminology* 35 (4) 1995; D. Bayley and C. Shearing, 'The Future of Policing' *Law and Society Review* 30 (3) 1996; Ian Loader, 'Thinking Normatively About Private Security' *Journal of Law and Society* 24 (3) 1997;Trevor Jones and Tim Newburn, *Private Security and Public Policing* (Oxford: Clarendon) 1998; 'Special Issue: Private Security', *European Journal on Criminal Policy and Research* 7 (2) 1999; J.W.E. Sheptycki (ed.) *Issues in Transnational Policing* (London: Routledge) 2000; Ian Loader, 'Plural Policing and Democratic Governance' *Social & Legal Studies* 9 (3) 2000; Les Johnston, *Policing Britain: Risk, Security and Governance* (Harlow: Longman) 2000; Ian Loader and Neil Walker, 'Policing as a Public Good: Reconstituting the Connections between Policing and the State' *Theoretical Criminology* 5(1) 2001;Trevor Jones and Tim Newburn, 'The Transformation of Policing? Understanding Current Trends in Policing Systems' *British Journal of Criminology* 42 2002. For a discussion of the concept 'nodal governance' that this dissertation has adapted and drawn upon, see Les Johnston and Clifford Shearing, *Governing Security: Explorations in Policing and Justice* (London: Routledge) 2003; Clifford Shearing and Jennifer Wood, 'Nodal Governance, Democracy, and the New 'Denizens'' *Journal of Law and Society* 30 (3) 2003; Clifford Shearing and Monique Marks, 'Introduction: Diversity in Policing: Multi-Agency Frameworks and Strategies in South Africa' *Society in Transition* 35 (2) 2004.

[10] For two examples of this literature, see: Bob Jessop, 'Capitalism and its Future: Remarks on Regulation, Government and Governance' *Review of International Political Economy* 4(3) 1997; Philip Cerny, 'Plurilateralism: Structural Differentiation and Functional Conflict in the Post-Cold War World Order' *Millennium: Journal of International Studies* 22(1) 1993.

governance. Overall, then, rather than viewing the growing role of private security in simple zero-sum terms of state decline (or even as an increase of state power), the dispersal of the *authorisation* and *implementation*—i.e. the governance—of security is understood as a complex re-articulation of security governance that empowers private security in global politics.

This proposition is based on two fundamental empirical observations that will be demonstrated in this dissertation. First, as private security companies expand globally, we can no longer assume that states unproblematically monopolise the ability to *implement* legitimate coercion in global politics. Second, today, as the location of legal authority over coercion evolves and is dispersed away from the centre of the state, we can no longer assume that the state unproblematically monopolises the ability to *authorise* legitimate coercion in global politics. On the one hand, these twin claims speak to the way this dissertation's networked security governance model focuses on the dispersal and pluralisation—partly via privatization—of both authorisers and implementers of security governance. On the other hand, taken together, these twin statements also wreak havoc on traditional assumptions within state-centric IR theory— and Weberian inspired Realist theory in particular—about the state as a unitary actor that can be understood as holding a monopoly on the legitimate use of force. In this sense, this dissertation's use of a security governance model is self-consciously used as a broader critique of Weberian inspired Realist IR and Sociological analyses (or lack thereof) of private security.[11]

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[11] This dissertation makes no broader claims about the utility of Realism in general; it is only concerned with demonstrating the conceptual problems Realism has when discussing private security specifically.

1.3 *Framing a Security Governance Model against a Critical Literature Review of Realism*

Prior to developing and applying a security governance model to its empirical case work, this dissertation uses a critical literature review of private security studies in IR to demonstrate the practical and theoretical problems encountered when applying Realist concepts to analyses of private security. This critical literature review—extending from first-cut studies of private security within IR to Realist IR and Weberian Realist Sociology more generally—is developed for a number of purposes.

In Part III of this chapter, this literature review critically analyses texts of first-cut studies of private security in IR. Here, this review is used to corroborate the introduction's claim that Realism's theoretical language—and the term 'monopoly' specifically—is used as a conceptual touchstone throughout these early investigations into private security. Crucially, this critical literature review highlights some of the key conceptual problems within this literature's interpretation of private security and contextualises these problems in terms of the influence of Realist thought. In chapter two, this critical literature review demonstrates how these conceptual problems originate in Realism by tracing them back to core Realist texts within IR and again to their origins in Weberian Realist Sociology.

Overall, then, this dissertation does not merely use a networked security governance model as a useful alternative to state-centric interpretations of private security in global politics. More critically, it also contextualizes this security governance approach against a broader exploration and critique of the limits of Realist interpretations of private security.

1.4 *Private Security and the Realist Idea of Monopoly: Framing a Conceptual Problem*

What is the relationship between politics and violence? How do we understand authority? Is there such a thing as 'private authority'—or the authority of private security—and if so, what is its relationship to the traditional understanding of authority within IR? What do 'public' and 'private' mean, and how do we understand their relationship to each other? How does the public-private divide relate to our understanding of the state and private security, and more importantly, their relationship to each other? Moreover, if the political is constituted by the public (state) realm, does this *ipso facto* render private security apolitical? How can private security be apolitical if, as Weberian Realist theory suggests, politics itself is fundamentally about the way violence is organized?

Serious attempts to theorise private security within IR have been forced to explicitly recognize and grapple with at least some of these meta-theoretical problems within their research. For instance, Janice Thomson, in her highly influential early account of the elimination of legitimate extraterritorial violence (e.g. mercenaries and privateers) from the international system underscores some of these conceptual problems well. For Thomson, before such practices were banned in the nineteenth century,

'today's theoretical and practical distinctions between the economic and the political and between state and nonstate actors—were meaningless' [and it was] 'impossible to draw distinctions between the economic and the political, the domestic and international, or the nonstate and the state realms of authority when analyzing these practices. All lines were blurred.'[12]

Deborah Avant's acknowledgement that '[i]t turns out that everyday terms like "mercenary," "public," "private," "privatization," and "the state," have a variety of

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[12] Janice Thomson *Mercenaries, Pirates and Sovereigns* (Princeton: Princeton University Press) 1996 p.41.

meanings that do not always travel well across time or space' and that 'the distinctions do not always add up' also directly references the meta-theoretical issues tied to the study of private security.[13] More recently, Rita Abrahamsen and Michael Williams, in their discussion of what they refer to as '[t]he authority of global private security companies' have argued that this type of private authority 'cannot be contained within the traditional distinctions of inside-outside, global-local, or public-private, but requires the dissolution of the "state-territory-authority" marriage in favor of an analysis of new networks and interactions between state and non-state actors.'[14] Each of these authors, then, has recognized—implicitly or explicitly—that the existence of private security in global politics upsets some of the long-held ontological assumptions within IR.

This dissertation argues that the core theoretical problem identified and referred to by the above authors is directly tied to the way Realist IR theory in general—and Weberian Realist sociology more precisely—neatly attempted to resolve all of these meta-theoretical issues within the idea of the modern state's mutually constitutive 'monopoly' over authority, violence and territory. Theoretically encapsulated within the Realist idea of the modern state, successful political violence is monopolized; authority is monopolized; the political is differentiated from the apolitical and economic; the public sphere is differentiated from the private sphere; the state 'inside' is differentiated from the state 'outside'; and the legal (legitimate) use of the state's political violence is differentiated from a) the illegal (illegitimate) use of criminal violence and b) the legal use of apolitical violence. This idea of the state monopoly—typically referred to in shorthand as sovereignty[15] within IR Realist thought—provided both an extremely

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[13] Deborah Avant, *The Market for Force* p.22-3.

[14] Rita Abrahamsen and Michael Williams, 'Securing the City: Private Security Companies and Non-State Authority in Global Governance' *International Relations* 21(2) 2007 p.238.

[15] Realists typically also discuss 'external sovereignty' in terms of its social character as a mutual acknowledgement of political rights from one state to another. However, this does not mean that Realists understand sovereignty as a 'social construct' or an evolving social institution in the same way that

durable solution to the theoretical problems described above as well as an empirically convincing model of the actual organization of violence in global politics.[16]

However, as the expansion of private security begins to empirically challenge Realism's theoretical map of the way coercion is organized, it also brings to the foreground a weakness within the Realist conceptual language of state monopoly. Specifically, it reveals a theoretical paradox latent in any discussion of the political content of legitimate private force—i.e. private security—within a Realist framework. This paradox is succinctly illustrated by the prominent Weberian sociologist Randall Collins when he writes 'a general theory of politics, then, is an explanation of how violence is organized, the structure of the state.'[17] This quote reveals how Realism sees politics as synonymous with 'how violence is organized,' while simultaneously *assuming* that this organization of violence can be adequately conceptualised as a state monopoly. While this dissertation accepts the first half of Randall Collin's Realist dictum—i.e. that politics, or governance, is fundamentally tied to the way 'violence is organized'—it joins the authors cited above by claiming that the current changes in the role of private security in global politics forces us to reconsider our assumption that the 'organization of violence'—and the political itself—can be understood as a synonym for 'the state'.

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sovereignty is understood in constructivist IR literature. For Realists, the 'political fact' of the state's monopoly of violence is a *conceptual prerequisite* of sovereignty, and the terms are therefore essentially synonymous. For Realists the 'social' aspect of sovereignty emphasized by IR constructivist literature is a derivative attribute of the prior political fact of the state's monopoly of legitimate violence. For a non-Realist account of sovereignty as a social construct that de-links sovereignty from the state's control over violence, see: Thomas Biersteker and Cynthia Weber, *State Sovereignty as Social Construct* (Cambridge: Cambridge University Press) 1996.

[16] Some analysts of private security would say I am too easily giving ground away to a state-centric interpretation of security governance here, and would point to the permanent and constantly evolving role of private security in governing the way security is organized. See Clifford Shearing and Monique Marks, *Introduction: Diversity in Policing*, p.197.

[17] Randall Collins, *Conflict Sociology: Toward an Explanatory Science* (New York: Academic Press) 1974 p. 353.

Part II.

1.5 Defining Security Governance and Deconstructing the State's Authority-Coercion-Territory Monopoly

Understanding the political significance of private security in global politics today requires a theoretical framework capable of moving beyond the Realist assumption that 'the political'—i.e. the governance of security—is monopolized by the state. It also requires a theoretical vocabulary that does not assume, *a priori*, that the state is the exclusive, solitary and supreme unit of analysis when considering political authority, territory, and coercion in global politics. By de-centering the state from its analysis, this dissertation offers a re-interpretation each of these terms—authority, territory, and coercion—and then applies this re-interpretation in an analysis of private security's role in security governance.

While the concept of security governance used in this dissertation is broadly compatible with theories of global governance that discuss the fragmentation of political authority and government functions to various public and private actors, it also has some important differences. First, this dissertation rejects a tendency within global governance literature to move away from an understanding of governance based on the organization of coercion towards a definition of governance based on juridical, economic-managerial, and other non-coercion-based attributes.[18] Second, it rejects global governance models that—in their attempt to separate the political from the state—end up extending the concept of political authority to the criminal realm.[19]

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[18] For a similar critique of non-coercive definitions of 'governance' within global governance literature, see Martin Shaw 'The State of Globalization: Towards a Theory of State Transformation' *Review of International Political Economy* 4(3) 1997 p.505.

[19] For an example of a global governance approach that does this, see James Rosenau 'Change, Complexity, and Governance in Globalizing Space' in Jon Pierre (ed.) *Debating Governance* (Oxford: Oxford University Press) 2000.

Beyond these broad similarities and dissimilarities with the concept global governance, here the term security governance also has a more precise meaning. Throughout this dissertation, 'security governance' will be understood as comprised of three parts: first, *meta-political authority* located exclusively in public law and/or public institutions; second, the existence of an *auspice*, or agent legally entitled to hire a security implementer and to make rules that promote a particular definition of order; and third, an *implementer* that uses coercion or the threat of coercion to enforce this order within a particular territorial space. The following section will elaborate this understanding of security governance within a discussion of each of these concepts—and how they relate to private security—below.

1.5.1 *Deconstructing the Realist State Monopoly of Authority*

Realist theory conceptualises political authority in terms of a state monopoly. This monopoly over political authority is understood as a condition of the state's supposedly unique ability to legislate the political order (i.e. to make laws) and 'effectively sanction their upkeep.'[20] That is, the nature of the state's political authority is such that it not only has the capacity to legislate its preferred political order within its territory, but it also has the ability to successfully maintain its order by the threat or use of force.

For Realism, this aspect of the state's political authority also has a supreme and ultimate character. Understood in binary and zero-sum terms, Realists argue that this supreme characteristic of the state's authority can be seen in its ability to draw and re-draw the public/private and legal/illegal divide over security governance within its territory as it sees fit. While private actors may be authorised by the state to engage in very limited—

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[20] Anthony Giddens *The Nation-State and Violence: Volume Two of A Contemporary Critique of Historical Materialism* (Cambridge: Polity) 1985 p.282.

'household'[21]—private violence, the state maintains an authority monopoly over the ability to authorise these residual and minimalist rights of private violence. In this sense, Realism envisions the state's supreme political authority over security governance not only in terms of the state's *presence* in authorising security, but also in terms of where it chooses to be *absent* by allowing legitimate private violence to exist. This type of political authority has been described by a number of theorists as *meta-political authority*, and for Realists, it is a unique monopoly of the state.[22] However, this dissertation and the security governance literature it draws upon reject this Realist understanding of the nature of political authority. In the place of a unified and supreme state monopoly of authority, this dissertation models the dispersion of political authority along two axes: auspices and non-state meta-political authority.

1.5.1.2 *'Auspices' as Sites of Political Authority*

Fundamentally, Realism's over-emphasis on the binary and zero-sum aspect of power has led it to over-emphasise the 'ultimacy' aspect of the state's political authority. In turn, this has rendered it theoretically insensitive (and even blind) to the diversification of and growing political significance of the public and private actors legally entitled via public law to promote particular political orders through the hiring, managing, and directing of private security.

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[21] The term 'household' comes from Max Weber's own discussion of the citizen's residual rights of private violence. See Max Weber, *Economy and Society* vol. I Guenther Roth and Claus Wittich (eds.) (Berkeley: University of California Press) p.56.

[22] Janice Thomson uses the term 'meta-political authority' to describe the state's claim to ultimate political authority, as well as the state's purportedly unique regulatory ability to draw and re-draw the boundaries of what is legal and illegal. By extension, meta-political authority refers to the state's purportedly unique ability to authorize other actors to engage in legitimate (i.e. legal) coercion. See Janice Thomson, 'State Sovereignty in International Relations: Bridging the Gap Between Theory and Empirical Research', *International Studies Quarterly* Vol.39, 1995, pp. 213-233.

As a result of these developments, today, a map of the way security governance is authorised cannot be reduced to a discussion of the public source of meta-political authority that underpins its legality. Instead, at a practical level, the study of authority over security governance must also be sensitive to the new public and private 'auspices'[23]—such as corporations, NGOs, state sub-agencies and supra-state organizations—that legally hire and thereby authorise private security in global politics. In contradistinction to Realist thought, these auspices cannot be properly understood as relegated to the realm of apolitical and private 'household' violence by the legal restrictions placed on them by the state. On the contrary, these new authorisers of private security companies are engaged in the politically significant act of designing rules to promote order through the robust use of potentially lethal armed security; in other words, auspices are involved in the political process of designing the content of security governance programs. Far from being limited to promotion of a private household order, these auspices promote particular political orders within and across large tracts of public space, and do so on a global/local scale.

1.5.1.3 *The Dispersion of Meta-Political Authority*

This dissertation also extends its critique of a Realist reading of political authority by arguing that the state can no longer adequately be theorised as holding a monopoly of meta-political authority over security governance. While the state clearly maintains a privileged position of authority over security governance within its own territory, today, this position is no longer absolute. Instead, state meta-political authority must be

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[23] The term 'auspice' is defined in Webster's Encyclopedic Unabridged Dictionary as 'patronage; support; sponsorship' derived from an institution. Bayley and Shearing were the first to introduce the concept of 'auspice'—and its relationship to security 'implementers'—within the study of private security. See David Bayley and Clifford Shearing *'The New Structure of Policing: Description, Conceptualization and Research Agenda'* United States Department of Justice, National Institute of Justice. Washington D.C. 2001.

juxtaposed and understood in relation to the 'expanding jurisdiction of institutions of international governance and the constraints of, as well as obligations derived from, international law.'[24]

As a result of this general observation, this dissertation argues that the meta-political power to authorize security governance belongs to a broader complex of public institutions—from international law to supra-national organizations—that includes (but is not limited to) the state. From this dissertation's security governance perspective, law is not interpreted merely as a tool by which the state imposes its 'supreme' rule making authority onto private non-state actors by drawing and re-drawing the public-private divide as it sees fit.[25] Instead, law is perceived as a tool used by private security to empower private security and help it legitimate its security governance programs. In contradistinction to Realist understandings of the state, law, and political authority, this dissertation's security governance model emphasizes how the law can be used to open up new possibilities for private security to engage in security governance. Radically, as will be empirically demonstrated in this dissertation, public law can even be used as a source of meta-political authority by private security to legally engage in acts of security governance that contradict the political will of the states in whose territory they operate.[26] As a result, this study not only suggests that states no longer monopolize meta-political authority; it also suggests that states are also occasionally the *objects* of security governance regulation even within their own territory.[27]

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[24] David Held and Anthony McGrew, *Globalization/Anti-Globalization* (London: Polity) 2007 p.126.
[25] Indeed, this dissertation rejects the Realist proposition that states may draw and re-draw the public-private divide around security governance (and private security) as they see fit. While this state right may exist in theory, in practice, material, political and ideational constraints give private society the ability to push back against moves to restrict its role in security governance.
[26] This claim will be empirically demonstrated in chapter five.
[27] This theoretical observation was also made Les Johnston and Clifford Shearing in *Governing Security*, p.35

1.5.1.4 Opening Pandora's Box: Problems with Private Authority in Global

Governance Theory

This thesis is sensitive to the fact that the deconstruction of Realism's state monopoly over authority re-opens many of the meta-theoretical problems discussed in the last section of Part I. As a result, while this thesis agrees with the private authority theorists Rodney Bruce Hall and Thomas Biersteker when they argue that '[t]he state is no longer the sole, or in some instances even the principal, source of authority, in either the domestic arena or in the international system,'[28] it also parts ways with this literature's understanding of authority. Specifically, this thesis argues that in their attempt to move beyond a state-centric study of politics, the global governance, private authority and nodal security governance literatures re-open these meta-theoretical issues without resolving them in a way adequate for a study of private security. The primary problem within this broader literature is its lack of consideration of meta-political authority.

First, by extending the concept of 'the political' beyond the state into the private non-state realm by defining authority as a general measurement of the control over outcomes, global governance literature typically jettisons the concept of meta-political authority, and with it the conceptual distinction between the illegal and legal.[29] Though this approach is not without merit—and usefully highlights the power of non-state actors—the issue of legality is crucially important in the operation of private security, and any theoretical approach to authority that loses this distinction between legal and illegal faces a serious analytical handicap.[30]

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[28] Rodney Bruce Hall, Thomas Biersteker (eds.), *The Emergence of Private Authority in Global Governance*, Cambridge University Press, Cambridge, 2002, p.5.

[29] For a good introduction to the political-economy theoretical underpinnings of much of global governance theory and its extended understanding of the political and private authority, see Susan Strange, *The Retreat of the State: the Diffusion of Power in the World Economy* (Cambridge: Cambridge University Press) 1996.

[30] Studies of private authority have been impaired by this problem. For example, Rodney Bruce Hall and Thomas Biersteker have placed private security companies and the mafia in the same analytical sub-

Importantly, the nodal security governance perspective used by Clifford Shearing and Les Johnston—an approach developed in the field of criminology and one that this thesis draws heavily from—also jettisons the concept of meta-political authority from their analytical framework.[31] As a result, their nodal security governance model unhelpfully creates the conceptual space for criminal auspices of security governance; it also creates an inability to differentiate between criminal violence and the legal security governance of legitimate private security companies.

This problem of a lack of a meta-theoretical framework has also been absorbed by IR theorists that have adopted or incorporated nodal security governance theory into their own research model. For instance, while Rita Abrahamsen and Michael Williams have made an excellent contribution to the study of private security in IR from their private authority approach[32]—and have usefully moved away from earlier discussions of the 'illicit private authority of mercenaries'[33] within the private authority literature—they also under-emphasize the significance of meta-political authority for the study of private security. Ironically, this problem exists as the result of three useful attributes of their study of the authority of private security.

First, their concept of authority—understood as the establishment of a presumptive right to speak and act[34]—usefully focuses on the socially constructed aspects of the authority wielded by private security actors, such as the authority of the security 'expert.'[35]

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category of private authority called 'illicit private authority' in a way that ignores the clear legal (and clear analytical) differences between these two types of actors. See Rodney Bruce Hall and Thomas Biersteker (eds.) *The Emergence of Private Authority in Global Governance* (Cambridge: Cambridge University Press) 2002 p.16-7.

[31] This thesis adopts the language of 'auspices' and 'implementers' of security governance from the collaborative efforts of Les Johnston and Clifford Shearing in their work on nodal security governance. For a discussion of their rejection of the idea of what I refer to as meta-political authority, see Les Johnston and Clifford Shearing, *Governing Security* p.33-6.

[32] See Rita Abrahamsen and Michael Williams, 'Securing the City: Private Security Companies and Non-State Authority in Global Governance' *International Relations* 21(2) 2007.

[33] Ibid.

[34] Ibid p.240.

[35] Ibid p.241.

Second, by focusing on the legal nature of the security governance engaged in by private security, they avoid the mistake of conflating private criminal violence with the legal coercion of private security. Third, they also correctly emphasise that the authority wielded by private security need not be understood in terms of a zero-sum competition with the state.[36] However, without explicitly focusing on meta-political authority—and by combining social constructivist and legal-formal attributes of authority into a singular definition of authority—their authority model is ill-prepared to document *the possibility* that private security and the state may engage in a political conflict over the nature of security governance *defined in narrowly legal terms*. While the social attributes of authority held by private security are important—and all the more so insofar as they are downplayed by Realist thought—they should be kept analytically separate from the technical and legal attributes of meta-political authority. The importance of maintaining a clear legal-formal approach to meta-political authority is elaborated below.

1.5.1.5 *Closing Pandora's Box: Moving Beyond State-Centrism While Maintaining Legal Formalism*

As a result of the problems discussed above, this dissertation adopts a legal-formal[37] approach to meta-political authority. In doing so, it also engages with and rejects some of the criticisms of legal-formal approaches to authority within the private authority literature. Specifically, Claire Cutler's work on the emergence of private authority argues that 'legal formalism identifies state/public authority as the only legitimate

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[36] Ibid. p. 141-2.

[37] Legal-formal authority refers to the authority of public institutions—such as international law, the United Nations, and states—that are the 'formally recognized' holders of legal authority by the community of states. In this sense, the normative content of authority is de-emphasized in favor of its technical-legal and public attributes.

authority, rendering non-state/private authority a theoretical and empirical impossibility.'[38] While this dissertation is sympathetic with Cutler's project of de-linking political authority from the state, there are a number of problems with her critique of legal formalism. First—again—it ignores that fact that legal formalism maintains a critical conceptual differentiation between formally legal private security companies and illegal criminal organizations. This problem of identifying private security as a sub-species of criminal 'private violence' is a prevalent problem within Realist analyses and should not be replicated within a security governance approach to private security. Second, Cutler's formulation collapses state authority and public authority into a single category, unnecessarily equating the one with the other. As a result, her notion of public authority does not direct one's attention—or indeed even allow the theoretical possibility for—private security turning to non-state sites of legal-formal public law as a source of meta-political authority for its security governance programs.

Overall, this dissertation adopts a position that moves away from a Realist understanding of the state's monopoly over political authority, while simultaneously avoiding some important problems within the global governance/nodal security governance/private authority literature. The next section turns its attention to the Realist interpretation of the state monopoly over legitimate political coercion.

1.5.2 *Deconstructing the Realist State Monopoly of Legitimate Political Coercion*

Within Realist thought, the state's successful monopoly of violence is the necessary and logical corollary to the state's monopoly of authority. Encapsulated within the territory

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[38] Claire Cutler, 'Private Regimes and Interfirm Cooperation', in *The Emergence of Private Authority in Global Governance'* (Cambridge: Cambridge University Press) 2002 p.24.

of the state, these twin monopolies of successful (i.e. superior) violence and supreme authority are mutually constitutive of one another, as well as constitutive of the state's monopoly over the political. Crucially, as a result of this, Realism does not develop a conceptual space within which non-state actors can be understood to legitimately engage in acts of political violence. Instead, legitimate non-state actors can only seek to *influence* political violence by attempting to influence the state. This is what the Realist Sociologist Randall Collins means when he writes that 'much politics does not involve actual violence but consists of manoeuvring around the organization that controls the violence.'[39]

This Realist reading of the state's monopoly of legitimate political coercion has significant ramifications for how Realist theory understands private security. Specifically, Realism places private security within a zero-sum and binary relationship with the state where private security is reduced to either an example of illegitimate criminal coercion, or is perceived as a legitimate—yet apolitical—actor. In order to understand why and how this is so—and before elucidating this dissertation's security governance solution to this dilemma—it is necessary to provide a brief discussion of Realism's understanding of *power*. More precisely, it is necessary to illustrate how Realism understands the state's monopoly of legitimate violence—and the Realist idea of political power that underpins it—in binary and zero-sum terms as a contest in 'last resort control.'[40]

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[39] Randall Collins, *Conflict Sociology* p.353.

[40] An understanding of the dual concepts 'binary' and 'zero-sum' as they pertain to a Realist IR understanding of political power essentially refers to the power of one actor *over* another actor. For example, in Morgenthau's discussion of power, he writes '[w]hen we speak of power, we mean man's control *over* the minds and actions of other men' (Morgenthau, *Politics Among Nations,* p.32 emphasis added). For Realism, the term 'binary' refers to the superior/inferior characteristic of power relationships. The term 'zero-sum' refers to the *all or nothing* aspect of this binary power relationship. For Realists, the terms sovereignty and monopoly are both underpinned theoretically by this notion of power. At an abstract level, the binary and zero-sum character of power is inescapable, ubiquitous, and timeless. For a more theoretically abstract and rigorous approach to Realist understandings of power defined as power *over*, see Gianfranco Poggi, *Forms of Power* (Cambridge: Polity) 2001.

1.5.2.1 *Deconstructing the Realist State's Monopoly of Legitimate Violence as 'Last Resort Control'*

For Realism, a crucial aspect of the state's monopoly of legitimate violence is understood in terms of an 'all or nothing' battle for political supremacy—in real or hypothetical terms—between the state and any other actor in its territory. Within this theoretical construct, the state either monopolises the political by virtue of its superior violence, or it is stripped of its political status by the existence of another actor possessing a capacity for violence superior to that of the state. This 'all or nothing' aspect of political power was what Carl Schmitt was referring to when he wrote '[i]f within the state there are organised parties capable of according their members more protection than the state, then the latter becomes at best an annex of such parties, and the individual knows whom he has to obey.'[41] The ramifications of this idea for private security are clear: within this Realist power framework, unless private security reaches this Schmittian threshold and possesses the capacity for violence to a degree superior to that of the state, it cannot be said to be a political actor.

Anthony Giddens provides a perfect example of this Realist interpretation of the state's binary all or nothing power relationship to private security when he writes '...nation-states control the whole of the habitable area of the globe, and as corporations have to exist somewhere, they must *in the last resort* either take power in a state or become subject to one.'[42] For Giddens, as with Realism generally, private security must either become a *political* actor by literally taking over the state's political apparatus, or it must

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[41] Carl Schmitt, *The Concept of the Political* (Chicago: University of Chicago Press) 1996 p.52.
[42] Anthony Giddens, *The Nation-State and Violence: Volume Two of a Contemporary Critique of Historical Materialism* (Cambridge: Polity) 1985 p.290.

remain an economic and apolitical actor, *submitting* to state rule.[43] Unless private security literally takes over the state, for Realism, the concept of private security engaging in the political act of governing security literally remains a theoretical impossibility. Instead, security governance is an activity that remains monopolized by the state and its dominant security forces.

Overall, the Realist emphasis on 'last resort control' embedded within its understanding of political power—an idea at the core of Realist understanding of coercion and the state's monopoly of legitimate violence—is a powerful conceptual tool and one not easily displaced by a security governance approach to the study of private security. However, this dissertation argues that this rigid Weberian theoretical construct has created a conceptual wall that has not only blinded Realism to the significance of private security in the past, but that also increasingly obstructs our understanding of the way security is governed in global politics today. The next section describes how private security is viewed through a Realist lens that denies the possibility that private security can have political content.

1.5.2.2 The Realist State's Monopoly of Legitimate Violence, Private Security, and the Criminal-Apolitical Paradox

The logic of 'last resort control' explains how Realism conceptualises the state as monopolizing the political. On a more subtle level—as will be explored in the critical literature review—this concept also explains how and why studies of private security influenced by Realist thought have interpreted private security as either a criminal challenge to the state or a merely apolitical actor. Since Realism denies the theoretical

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[43] This proposition by Giddens also displays the classic circular logic of state reproduction. Notice that by taking over the state, private security simply 'becomes' the state, thereby timelessly reproducing this type of territorial political authority. This same argument is found in Kenneth Waltz's discussion of the state take-over of other states at the level of the international system.

possibility that private security can have the status of a political actor, Realist theory traps private security within a conceptual binary where it must be understood as either criminal, or legitimate and denuded *a priori* of any political power whatsoever. In the former instance, private security is viewed as a form of criminal 'private violence' and a challenge to the state in much the same way as a terrorist or organized crime organization. In the latter instance, private security is either viewed as engaging in coercion on a scale too small (i.e. a form of household violence) to be considered political, or as a literal extension of the coercive apparatus of the state, and therefore lacking political autonomy. The specifics of this theoretical dynamic will be explored in detail in Part III of this chapter; suffice it to say here that it has proven to be a significant conceptual hurdle for an adequate understanding of *the political content of the legitimate coercion of private security.*

1.5.2.3 *Security Governance, Political Violence, and Private Security as 'Implementers' of Legitimate Political Coercion*

Anthony Giddens was in the process of explicating the difference between the state's monopoly of legitimate political coercion from other types of apolitical or criminal private violence when he wrote that he was 'principally concerned with the means of violence associated with the activities of organized armed forces.'[44] Overall, this dissertation agrees with Giddens' observation that security governance fundamentally involves 'the means of violence associated with the activities of organized armed forces.' However, it also parts ways with Giddens by arguing that the criteria of 'organized armed forces' that he outlines above not only refers to the state, but also clearly applies to the private security companies operating in global politics today.

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[44] Anthony Giddens, *The Nation-State and Violence* p.121.

Indeed, the logical corollary of this dissertation's argument that the state no longer maintains a monopoly on legitimate political authority over security governance is its claim that the state no longer maintains a monopoly on its legitimate *implementation*—i.e. the threat and/or application of coercion—that is an inherent part of security governance.

First, in macro-terms, the very existence of the private security industry as a repository of legitimate coercive force is interpreted within this dissertation as empirical evidence of the impracticality of discussing the state in terms of a 'monopoly' on legitimate political coercion. Instead, IR theory needs to be sensitive to the politically significant content of the coercion engaged in (on a global scale) by the contemporary private security industry. Second, at the level of application of this dissertation's security governance methodology, political coercion is re-interpreted here to include the use or threat of coercion by private security to *implement* the political programs of legitimate auspices.

Far from being understood as apolitical—by virtue of a supposedly limited, private, and household nature of the coercion involved—the size and public scope of the legitimate coercion implemented by private security on behalf of their various public and private auspices is of a decidedly political nature. Far from being relegated to the status of a criminal or apolitical actor, private security's use of coercion must be understood as an act of legitimate security governance.

1.5.3 *Deconstructing the Realist State's Monopoly of Territory*

The last piece of the Realist state monopoly that this thesis engages with is Realism's idea of territory. On a general level, the security governance model used in this thesis intentionally problematizes the way Realism views the organization of legitimate

coercion in world politics as territorially organized through the dual principle of internal and external sovereignty.[45] This critique is built around a number of different empirical observations. First, security governance is no longer territorially organized exclusively with reference to the geographical boundaries of the modern state; instead, it also occurs *within* local spaces (i.e. armed security convoys, road-blocks, secured compounds), trans-nationally *across* state territories, and even *between* state spaces in international waters. As a result, in the place of Realism's emphasis on the state-centric inside/outside characteristics of territory, this dissertation emphasizes the different spatial levels of the local, regional, and transnational (as well as national) characteristics of security governance.[46]

Second, the way Realism conceptualises the territorial public/private divide as it pertains to security governance has also changed. Traditionally within Realist thought, security governance of public territory was seen as the function of the state's internal security forces (i.e. police) and its external security forces (i.e. military). To the extent that private security engaged in the provision of coercive order maintenance, it was understood to be solely concerned with the apolitical order maintenance of privately held territory. Though this distinction was never absolute, it has become even less clear today. On the on hand, as private security expands, it is increasingly becoming involved in implementing coercive security governance programs within large tracts of public space. On the other hand, as private security increasingly finds itself embedded within

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[45] For Realism, the state's territorially organized monopoly over legitimate violence is understood through the Janus-faced lens of internal and external sovereignty. Internal sovereignty is maintained by the state police forces and their relative superiority of violence within the state. External sovereignty is maintained by the state's military forces and involves securing the state's borders against external intrusions into the state's territorial interior.

[46] This idea is common with globalization and global governance literature in general. For an early application to the field of private security studies, see Les Johnston, *The Rebirth of Private Policing* p.195. However, this dissertation's discussion of territory in terms of security governance being undertaken by private security in international waters has not been explicitly addressed elsewhere.

hybrid public-private security networks, the public-private spatial divide is itself losing its analytical relevance.

1.5.3.1 *Realism, Compulsory Territorial Rule, and its Rejection of Local Political Orders*

On an abstract level, Realist thought emphasises the state-level territorial characteristics of political rule—and security governance—with reference to the state-level coercive organizations (state police and military) that enforce it. The political nature of this territorial entity—i.e. the state—is predicated upon the compulsory and coercive nature of its territorial rule. That is, every actor within the state's territory is placed—in real and hypothetical terms—within a compulsory, binary and zero-sum power relationship with the coercive security apparatus of the state that logically requires political submission to state rule.[47] This compulsory aspect of the state's rule is unique, and is predicated upon its unique monopoly over the authority to use physical coercion to enforce its territorial political order. For Realists, this aspect of compulsory territorial domination—backed up by the state's monopoly of violence—distinguishes it from other, apolitical, territorial configurations.

As a result, the maintenance of order within smaller territorial localities—undertaken by agents other than the state's security forces—is not considered by Realist theory to be properly political in nature. Realist theory justifies this position in two ways. First, for Realism, scale matters; political rule properly understood is a macro-level phenomenon that continuously affects societal territory as a whole and is not conceptualised as something that affects smaller territorial segments of society in sporadic or

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[47] To avoid this fate of political submission to the state, as explained above, it requires the other actor in question within the state's territory to literally take over (and become) the state.

discontinuous segments of time. Second, for Realism, violence matters; rule—in the last resort—is made *compulsory* by the use or threat of violence, and this unique political technique of rule is monopolised by a single territorial entity: the state.

These two Realist propositions of the importance of territorial scale and the uniquely compulsory nature of the state's violent territorial rule are exemplified by David Easton in *A Framework for Political Analysis.*[48] First, Easton argued that while the political *by definition* affects society as a whole, the smaller territorial configurations—'subsystems of subsystems'—internal to society are apolitical by virtue of the fact that they only affect smaller segments of society.[49] Second, Easton argued that the authorities within these local territories—often with titles like 'boards of directors'[50]—only extend their control over their own group members within a private space and furthermore do so without the threat of physical coercion to demand compulsory compliance. As a result of this dual logic, Realism has excluded private security's coercive implementation of an auspice's security program from its understanding of 'governing' security in territorial terms.

1.5.3.2 *Security Governance, Compulsory Territorial Rule, and its Acknowledgement of Local Political Orders*

The above Realist interpretation of the state's territorially organized monopoly over political order—and the logical underpinnings of this interpretation—are compelling. However, the security governance model used in this dissertation rejects this Realist state-centric understanding of territorial rule; moreover, it does so on largely Realist terms. First, this dissertation demonstrates how it is precisely the 'boards of directors' of

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[48] David Easton, *A Framework for Political Analysis* (Chicago: University of Chicago Press) 1979 p. 50-5.
[49] Ibid. Easton uses the term 'para-political' to refer to these smaller apolitical territorial orders.
[50] Ibid, p.54.

private security companies—as well as the boards of directors of the corporate auspices that hire them—that are involved in the organised deployment of armed coercive force within particular territorial locations. Second, the activity of private security is not limited to private, household territory; on the contrary, this dissertation demonstrates how armed private coercion is increasingly being deployed within public space.

Third, private security's organized physical coercion is not merely limited towards promotion of order amongst its own members. On the contrary, this dissertation will demonstrate how private security affects all of the actors within the territorial space that is 'shared' with private security. Indeed, it will demonstrate how other actors may be compelled to 'submit' (e.g. to roadblocks, searches, or denial of movement) to the territorial political order coercively implemented by private security—and even compelled to do so under the pre-eminently political threat of death. Fourth, and finally, this dissertation will demonstrate how the security governance engaged in by private security cannot be accurately described as small-scale in territorial terms. On the one hand, this dissertation will provide case studies that document the state-wide implementation of coercive political programs by a single private security company involving the deployment of over 15,000 armed security personnel. On the other hand, it will demonstrate that the cumulative effects of hundreds or thousands of micro-sites of security governance operating simultaneously within a state's territory—involving compulsory coercive order maintenance at the capillary level—must be understood as explicitly political in nature.

1.5.3.3 *Security Governance and Territory: From Hierarchy to Network*

Ultimately, this dissertation intentionally moves away from a state-centric model of territorial security governance—based on the vertical political hierarchies of the state

and its centralized security forces—towards a model of geographically networked security governance. This networked understanding of territory is used to illustrate a number of aspects of security governance left hidden by state-centric territorial models. First, it is used to document or map the pluralisation of security actors (i.e. private security) and the fragmentation of territorial security governance that this entails. Second, the network concept is used as an analytical tool to map the way these multiple security actors (public, private and hybrid) interact with one another within a 'shared' territorial space. This includes, but is not limited to, the way the state attempts to monitor the activities of private security companies and the attempts made by private security to coordinate with public security forces. Finally, with reference to the transnational, a security governance model also emphasises the global-local characteristics of security governance, and the way in which auspices in one state may direct the activity of its private security implementer—and hence security governance—many thousands of miles away in another state. Ultimately, this networked security governance approach to territory is designed to highlight the ways private security engages in security governance left hidden or unarticulated by state-centric Realist territorial models.

1.5.4 *Concluding Remarks on a Security Governance Reformulation of Realism's State Monopoly on Authority, Coercion and Territory*

The security governance theoretical framework developed in this chapter is designed to demonstrate the specifically political content of the activity of private security in a way that Realist theory cannot properly articulate. This was accomplished by deconstructing the Realist state's conceptual monopoly of authority, political coercion and territory, and reformulating them in such a way that the political significance of private security

can be properly demonstrated. Underpinned by a public source of meta-political authority and embedded within a partnership with a legitimate auspice, private security companies constitute an increasingly important aspect of security governance within global politics today.

1.6 The Purpose of Histories of Private Security Part I: Mercenaries and Change versus Realism and a Static Continuity of the State's Monopoly of Legitimate Violence

This dissertation does not provide a descriptive catalogue of the waxing and waning of 'mercenaries' or 'private police' throughout history. This has been done at length elsewhere within IR's study of private security and the field of criminology respectively and the process does not need to be replicated here.[51] However, a number of substantive and broader conceptual points ought to be made about the purpose of different histories of private security as they pertain to IR and its understanding of the state's monopoly of legitimate violence. Realism—from its classical to its neorealist variant—emphasises stasis and continuity in the state-centric organization of coercion in the international system. In Realist theory, historical analyses of politics remain firmly located on the state and its unique role as a security actor, and continuously emphasise the way political coercion is organized in terms of the state's monopoly of legitimate violence. Alternatively, studies of private security typically emphasise *change* in the organization of coercion. Indeed, the primary purpose of many of the brief historical studies within the Criminology and IR private security literatures has been to highlight the 'brute fact' of the existence of private police and mercenaries throughout history 'hidden' by Realist state-centric narratives of security governance. Clifford Shearing and Les Johnston have made this aspect of their historical discussions of private security explicit in an effort to

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[51] See Peter Singer's chapter on 'Privatized Military History' in *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca: Cornell University Press).

correct Realism's state-centric presumption of the state's monopoly of violence. Though it has not typically been made with a great deal of theoretical precision, the claim that '[i]n fact, the monopoly of the state over violence is the exception in world history, rather than the rule'[52] has been a core contribution of the historical studies of this Criminology and IR private security literature. This dissertation argues that histories of private security that focus on 'change' rather than 'continuity' usefully highlight the fact that the Realist theoretical models and Weberian language used to discuss the empirical organization of coercive force in global politics as a state 'monopoly' are now being put under duress by the current growth in private security.

1.6.1 *The Purpose of Histories of Private Security Part II: Security Governance and Contingency versus Realist Teleology and the State's Monopoly of Legitimate Violence*

However, there exist two other—theoretically intertwined—parallel debates embedded within the different histories of private security that relate to our understanding of both private security and nature of the state's monopoly of legitimate violence. The first debate is tied to differing Realist and security governance interpretations of *causation* behind the historical 'elimination' of mercenaries from the international system.[53] The second debate is tied to Realist interpretations of the state's monopoly of legitimate violence as inevitable and necessary and alternative security governance interpretations that have emphasized the contingent role of ideas (or security governance mentalities[54]) behind the state's monopoly of violence. Though the causal interpretation of the

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[52] Ibid p.19.

[53] These differing causal interpretations of the historical elimination of mercenaries have clear and immediate theoretical implications for differing causal interpretations of the 'mercenary's return' in the form of private security at the beginning of the twenty-first century as well.

[54] Les Johnston and Clifford Shearing discuss the role of 'mentalities of governance' in broadly constructivist terms of culturally contingent mental frameworks that individuals use—often unconsciously—decide how to act when governing security. See *Governing Security*, p.29-30.

elimination of mercenaries and the question of the necessity of the state's monopoly of legitimate violence are logically separate issues, they will be briefly discussed together here.

First, within Realist historiography in general, the relative elimination of mercenaries— a long process that only culminated in the mid/late nineteenth century—is typically *causally* understood in evolutionary terms as a functional response to inherent problems with mercenaries (e.g. disloyalty, untrustworthiness) combined with the environmental competitive pressures of the inter-state system that forced states to either adopt more efficient nationalised fighting methods or perish.[55] Thus, for Realists, the historical elimination of mercenaries is understood in teleological terms as a functional and objectively rational historical process.[56] Weber highlights his perception of the problems with mercenary forces and why their elimination from the international system was part of a rational process when he writes:

The relationship of the army leaders, to whose persons and fates the armies and their chances for booty were tied, with the patrician houses of the city *could never be without those tensions* which down to [the Imperial general] Wallenstein [in the Thirty Years War] *have always prevailed* between the leaders of privately recruited armies and those who hire them. This persistent mistrust weakened the military

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[55] Paul Kowert and Jeffery Legro 'Norms, Identity, and Their Limits' in Peter Katzenstein (ed.) *The Culure of National Security* (New York: Colombia University Press) 1996 p.456.

[56] Studies of private security in the field of Criminology have also leveled this criticism against traditional Whig histories of the elimination of private police as an inevitable and logical progressive process. See Les Johnston, *Policing Britain* p.5. Within IR, Deborah Avant has cleverly turned this proposition on its head, arguing against those who have interpreted the contemporary *growth* of private security as a 'natural, functional response' to material changes in warfare. See Avant, *The Market for Force*, p.31. In general within IR, this line of argumentation is a common critique leveled against 'Rationalist' (i.e. Realist and Liberal) theories by constructivist scholars intent on examining the role of ideas in social science causality. This dissertation agrees with a constructivist account of the important role played by ideas in 'constituting' the identities of actors, and how these ideas can change the roles and responsibilities of private actors—and therefore the very nature of—security governance. The point of ideational causality will be elaborated with reference to a neo-Foucauldian reading of private security in chapter three.

operations, so that the tactical superiority of the professional mercenary army could not be permanently maintained...'[57]

Here, Weber sees a timeless tension between 'privately recruited armies and those who hire them' as causally related to a largely inevitable historical process leading to the state 'capturing' and monopolizing the military function within the bureaucratic apparatus of the modern state's armed forces.[58] Anthony Giddens also discusses the elimination of mercenaries in much the same rationalist terms by highlighting the problems with the 'fluctuating tension between centralized control of the means of violence and decentralized military power' inherent in a state reliance upon mercenary soldiers, and the objective pressures leading to their elimination.[59]

In an example a Realist teleological and rationalist reading of the historical elimination of mercenaries that explicitly references the objective pressures of the international system, Samuel Huntington wrote that '[c]ompetition among the states caused each to create a corps of permanent experts devoted to the interests of military security' [and that this] '[p]rofessionalism *had to arise.*'[60] Since Huntington explicitly defines professionalism in terms of the elimination of mercenaries, this proposition is the logical equivalent of stating that mercenaries 'had to be eliminated.'[61]

Overall, these examples illustrate that Realist historiography does not merely downplay the existence of 'private armies'; nor does it merely place its study of private security— such as it exists—within a broader historical narrative of the state's monopolization of

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[57] Max Weber, *Economy and Society* vol. II p.1364 emphasis added.

[58] This point will be further elucidated in the second half of chapter two. Interestingly, he also foreshadows the some of the critiques leveled against private security by Singer, Avant and other analysts that apply transaction cost economist theory to their study of private security and emphasize a zero-sum relationship between private security and the state.

[59] Giddens, Anthony, *The Nation-State and Violence*, (Cambridge: Polity Press) 1985, p.56-7.

[60] Samuel Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge: Harvard University Press) p. 32 emphasis added.

[61] Huntington's historical treatment of mercenaries is harsh. A mercenary officer is 'essentially an entrepreneur', unethical, lacking in responsibility or discipline, often poorly skilled, and by definition, unprofessional. See Ibid, p.21.

violence and the elimination of mercenaries. Instead, more radically, Realist historiography typically interprets the elimination of mercenaries as part of an *inevitable* historical process. Moreover, for Realism, the same rationalist logic behind the elimination of mercenaries—i.e. the perceived inefficiencies intrinsic to using private security actors referred to above by Weber, as well as the system-level pressures of state competition—also acted as an invisible hand in creating the state's monopoly of violence. Indeed, rationalist economic institutionalist literature inspired by a Realist reading of anarchy in the state of nature explicitly refers to the 'invisible hand' of reason when discussing the superiority of 'stationary bandits' to 'roving bandits' and the processes of rational-self interest behind an eventual—and inevitable—creation of a state with a monopoly of legitimate violence.[62]

Ultimately, while this dissertation takes a catholic approach when explaining changes in security governance—and makes references to both ideational and material causal factors in its analysis—it is broadly sympathetic to criticisms levelled against Realist histories for their perception of the elimination of mercenaries as natural or necessary. Moreover, while this dissertation does not make any claims regarding the 'necessity' or lack thereof regarding the state's monopoly of legitimate violence, it is in explicit agreement with John Agnew's observation that '[a]n argument can be made that social science has been *too* geographical and not sufficiently historical, in the sense that geographical assumptions have trapped consideration of social and political economic-processes in geographical structures and containers that defy historical change.'[63] Overall, this dissertation's security governance model self-consciously joins critics who argue that Realism and other rationalist theories of IR whose discussion of history

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[62] See Mancur Olson, 'Dictatorship, Democracy and Development', *American Political Science Review* 87(3) 1993.

[63] John Agnew, quoted in Neil Brenner's 'Beyond state-centrism? Space, Territoriality, and Geographical Scale in Globalization Studies' *Theory and Society* 28 1999 p.39.

ignores change in the international system by relegating it to 'a distant past or a distant future'[64] are hindered by a serious conceptual handicap—especially in the study of private security.[65]

1.7 *From Mercenaries to Private Military Companies? The Terminology of Private Security*

The title of David Isenberg's 1997 monograph 'Soldiers of Fortune Limited: A Profile of Today's Private Sector Corporate Mercenary Firms'[66] perfectly captures some of the early conceptual and linguistic hurdles associated with the rise of corporations marketing themselves as international providers of 'professional military advisory services.'[67] On the one hand, these new security actors seemed to be differentiated from traditional private security companies by their specialization in security functions related to combat and other specifically military-related skill sets, as well as by their focus on international (foreign) military clients. On the other hand, the corporate structure of these companies—comprised of a permanent administrative bureaucracy as well as their legal registration as corporate business entities—also seemed to

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[64] The Realist sociologist Randall Collins provides an illustrative example of 'relegating change to a distant past' with his discussion of Realism's differentiation between the pre-Westphalian *political* content of private violence and the post-Westphalian modern bureaucratic state *monopoly of the political.* Collins writes 'in non-bureaucratic societies, in fact, private violence and politics are virtually identical.' As discussed in the above section on legitimate political coercion, today, for Realism, this is a conceptual impossibility. Randall Collins, *Conflict Sociology* p.352.

[65] For an example of this argument, see: Peter Katzenstein (ed.), *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press) 1996 p.16;

[66] This was one of the very earliest pieces on the new 'corporate mercenary firms'. See David Isenberg, *Soldier of Fortune Limited:A Profile of Today's Private Sector Corporate Mercenary Firms* (Washington DC: Center for Defense Information) 1997.

[67] Three companies in particular stood out in the late 1990s that—along with the media attention attached to their roles or alleged roles in foreign government military campaigns—together constituted the 'rise' of a new type of corporate mercenary firm: the US company Military Professional Resources Incorporated; the British firm Sandline International; and the South African firm Executive Outcomes. The quote was taken from the archived website of the now defunct South African private security firm Executive Outcomes. http://web.archive.org/web/19981212024722/http://www.eo.com Accessed June 10 2008.

differentiate them from the more traditional concept of mercenaries as *ad hoc* and often

criminal 'soldiers of fortune' or 'dogs of war' familiar to post-colonial African warfare.

At the same time, a degree of self-recognition and self-promotion of the elite military

unit or high-ranking military backgrounds of these firm's constituent members (i.e.

retired British SAS regiment or retired generals of the US military) helped to underscore

the 'military' nature of these companies and the services they provided. By the late-

1990s, due partly to the analytical issues described above, partly because of the negative

normative (and technical legal implications) of the term mercenary, and partly because

it was adopted by these companies themselves,[68] the language of corporate mercenary

firms and military companies[69] began to coalesce around the term 'private military

company' and its acronym PMC.

However, the language surrounding private security remains unsettled to this day and

the terminology used in its study—and even the meaning of the acronyms—continues to

change and evolve along with the industry. For instance, James Taulbee has preferred

the term Privatized Defense Service Providers[70] while Peter Singer popularised the

expression Private Military Firm (PMF) with his highly influential work *Corporate

Warriors: The Rise of the Privatized Military Industry*. At the same time, ironically,

today the letter 'c' in the acronyms PMC and PSC more often than not refers to

contractors rather than *companies* due to the newer language of 'security contractors'

used to describe the post-2003 multi-billion dollar security industry created in the wake

of the Iraq war. For instance, Anna Leander and Rens van Munster recently used the

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[68] For instance, Sandline International—whose role in the 'Arms to Africa Affair' damaged the Blair government and helped focus public and media attention on this growing niche industry—described itself on its website as a Private Military Company. See Sandline International website: http://www.sandline.com/site/index.html. Accessed 17/08/08.

[69] See David Shearer, *Private Armies and Military Intervention*, International Institute for Strategic Studies, London. Adelphi Paper 316. 1998. In this early study, Shearer differentiated between 'military companies' and 'security companies' yet acknowledged the difficulty of distinguishing between the two categories.

[70] James Larry Taulbee, 'The Privatization of Security: Modern Conflict, Globalization and Weak States' *Civil Wars* 5(2) 2002, p.1.

term 'private security contractors'[71] to describe the same companies Anna Leader had herself referenced as 'private military companies' only two years earlier.[72]

Interestingly—and of specific importance for this dissertation—is the way the above terms used to describe private security are themselves linguistically tied to the binary categories (and coercive institutions) of the modern state. Implicitly, within this broader literature, a decision was made to conceptualize private security within the traditional binary of the 'police' and 'military'—even while acknowledging that many of the firms discussed seemed to provide security functions that did not sit neatly within either a 'police' or 'military' category.[73] For instance, many early attempts to differentiate 'active' from 'passive' PMCs[74], or private military companies from private security companies made direct reference to the former's role in providing services relating directly to military combat. Alternatively, the latter were defined as providing policing or 'support' functions, such as intelligence, logistics, or training. Most recently, Rita Abrahamsen and Michael Williams have continued to differentiate between PMCs and PSCs based on the 'core activities'—of either a police or military nature—of each company concerned.[75]

However, as the industry itself has continued to mature and develop into a formal multi-billion dollar service sector—and with 'private military companies' (like MPRI)

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[71] Anna Leander and Rens van Munster, 'Private Security Contractors in the Debate about Darfur: Reflecting and Reinforcing Neo-Liberal Governmentality' *International Relations* 21(2) 2007.

[72] Anna Leander, 'The Power to Construct International Security: On the Significance of Private Military Companies' *Millennium: Journal of International Studies* 33(3) 2005.

[73] Interestingly, this police/military conceptual binary was less of an issue for the 'private policing' literature of the Criminology field than it was for IR due to the fact that criminologists did not traditionally focus on the international, or war, or concern themselves with the study of mercenaries. Without IR's Security Studies 'mercenary narrative', the field of criminology had no qualms interpreting companies like Sandline International as 'international private security companies.' This illustrates how the terminology and conceptual lens used to discuss private security could be—and was—significantly influenced by the conceptual boundaries (and biases) of each academic discipline. See M. Kempa, R. Carrier, J. Wood, C. Shearing, 'The Evolving Concept of Private Policing' *European Journal on Criminal Policy and Research* 7(2) 1999 p. 214.

[74] Trewhitt, Philip. 'The Business of Killing'. The Parliamentary Human Rights Group. London. 1999. p.3.

[75] Rita Abrahamsen and Michael Williams, 'Securing the City: Private Security Companies and Non-State Authority in Global Governance', *International Relations* 21(2) 2007 p.239.

supplying 'policing' functions and 'private policing companies' (like Wackenhut) providing robust para-military functions involving the use of armored vehicles and automatic rifles—maintaining a PMC/PSC distinction has become increasingly difficult in analytical terms.[76] Indeed, as the industry continues to consolidate with larger diversified defense firms such as L-3 Communications purchasing the PSC MPRI—and massive PSCs like G4S (formerly Group 4) specializing in mundane unarmed commercial sector guarding services purchasing more specialized PSCs like ArmorGroup—these distinctions have disappeared altogether.[77]

1.7.1 *A Security Governance Approach to the Language of Private Security:*

Deconstructing a Conceptual State Monopoly

This dissertation intentionally moves away from the language of 'private police' and 'private military' and instead uses the terms private security and private security company (PSC) interchangeably throughout the study.[78] The significance of the use of the term 'private security'—instead of private police or private military—relates to the broader theoretical claims made within this dissertation in three distinct ways. First, at

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[76] This US Department of Energy news release provides a discussion of the supposedly mundane 'rent-a-cop' type of private security company as a provider of 'para-military' services for the US Government. See website: http://www.yso.doe.gov/News_Releases/2007/NR-06-07.pdf. Accessed 02/19/09.

[77] See David Robertson, 'G4S buys security firm rival for 43 million pounds' *Times Online* March 21 2008. http://business.timesonline.co.uk/tol/business/industry_sectors/support_services/article3593666.ece Acccessed 05/13/08.

[78] One further point needs to be made about the supposed ideological content of the term 'private security.' Peter Singer has argued that companies more appropriately described as Private Military Firms have essentially described themselves 'using the more legitimate-sounding moniker of "private security firms"' in an effort to mask or otherwise obscure the military nature of their services. See Peter Singer, *Corporate Warriors*, p.73. While this may indeed be the case, it begs the question whether or not the author intended the term he invented—i.e. Private Military Firms—to be 'less legitimate-sounding' than the term private security firm and if so, why. Moreover, ironically, it must also be pointed out that the terms 'private military company' and 'private military firm' have *themselves* been referred to as part of a broader ideological program designed to mask the 'mercenary' nature of these firms as well as 'normalize' or 'legitimize' the nature of their work. While this dissertation acknowledges—adapting the famous admonition by Robert Cox—that terminology is always for someone and for some purpose, it nevertheless self-consciously attempts to empty the term private security of any ideological or normative content.

the level of the state, if Les Johnston is correct in arguing that the modern police forces symbolically constituted 'at street level, the state's monopoly of legitimate coercion,'[79] this dissertation argues that the language of 'private police' and 'private military' continues to unhelpfully socially construct (at a conceptual level) security as something monopolised by these twin coercive institutions of the modern state. In one sense, then, the term private security intentionally helps us move away from the state-centric language of security governance within IR—a linguistic bias that *ipso facto* exists even within studies of 'private military companies' that attempt to move away from state-centred analyses of security.

Second, at the level of the international system, this dissertation's security governance methodology is committed to re-imagining territory and its relationship to security governance at a global level in a way fundamentally at odds with the state-centric Realist IR interpretation of the international system. While the terminology of 'private police' and 'private military' continues to reproduce Realist IR's inside/outside territorial binary, the term private security is free of such analytical territorial bias. As a result, 'private security' is better suited to a study that seeks to emphasize the globally networked, global/local and hybrid public-private characteristics of contemporary security governance.

Third, this dissertation argues that it is important not to reduce the operation of private security to a particular set of security functions that we normally associate with either the police or military, precisely because private security can and has done both—and more. Ironically, this empirical point is often acknowledged by the very analysts who still use the language of private police and military companies. However, at a more abstract level, this dissertation also argues that private security companies—and the

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[79] Les Johnston, *Policing Britain: Risk, Security and Governance* (Harlow: Longman Press) 2000 p.12.

government and corporate clients that hire them—are reflexively involved in socially constructing a new security vocabulary that is not adequately captured by the police/military binary. On the one hand, this new vocabulary is situated within broader late-modern ideational shifts centred on the 'responsibility' of the private sector to get involved in security provision and is directly connected to the discourse and counter-terrorism strategies of 'homeland security.' Arguably, then, the term private security is not merely tied to new security models requiring new public-private security partnerships across public and private spaces; rather, private security—*qua private security*—is involved in creating new understandings of security itself.[80]

Part III.

1.8 First-Cut Interpretations of Private Security's Relationship to the Monopoly of Violence in IR: Introduction

The critical literature review below fulfils three particular functions. First, it provides an introduction to the early academic literature on private security within the discipline of IR. Second, it outlines some of the general problems within this literature, thereby locating the security governance framework used in this dissertation against a broader backdrop of the early debates and conceptual issues tied to the study of private security within the discipline. Third, and most importantly, this literature review is used to empirically corroborate and demonstrate the way that Weberian Realist language—and the language of the state's monopoly of legitimate violence specifically—consistently created analytical problems for the first-cut studies of private security within IR. This latter point is crucial, since it validates the dissertation's overall argument that the

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[80] This last point will be explored in chapter six.

conceptual problems this literature encountered while trying to understand private security were directly linked to broader problems that Realism itself has in realizing a sophisticated vision of private security. Therefore, while this literature review will draw attention to a normative bias against private security within this first-cut PSC literature[81], on a more substantive level, it will focus on other analytical mistakes that can be traced to deeper problems within Realist theory itself. These problems, in turn, will be traced within Realist thought directly in the following chapter.

Overall, it is safe to suggest that much of the early discussion of private security within IR was significantly influenced by the negative social connotations of the term mercenary, and the negative political connotations associated with the idea of 'private' non-state violence more broadly. As a result, many of the original studies of private security had a clear and critical normative objection to the growing role of private security in global politics. Occasionally, even the titles of these works intentionally evoked the social opprobrium they attached to the idea of for-profit corporations selling 'trigger pulling' services to government, or worse, private sector clients. For example, early books entitled *Mercenaries: The Scourge of the Third World, Mercenaries: an African Security Dilemma* and the British Parliamentary Human Rights Group's publication *The Business of Killing* were three early studies whose titles did not hide their critical normative bias against private security.[82]

On a more substantive level, these first-cut studies of private security often did not differentiate private security as a legal commercial enterprise from illegal non-state

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[81] This notorious normative bias is amusingly referenced by the private security analyst David Isenberg when he writes: 'It is a sad fact that much of the debate over private military and security contractors is, to borrow from *Macbeth*, a tale told by idiots, full of sound and fury; signifying nothing. The tale is made worse by the fact that much [sic] of those doing the telling have highly partisan axes to grind.' See David Isenberg, *Shadow Force*, p. ix.

[82] Guy Arnold, *Mercenaries: The Scourge of the Third World* (Great Britain: Macmillan) 1999; Philip Trewitt, *The Business of Killing,* The Parliamentary Human Rights Group, UK House of Commons, 1999; Abdel Fatau Musah (ed.) *Mercenaries: An African Security Dilemma* (London: Pluto) 2000.

actors that engaged in criminal violence. Instead, private security was seen as a sub-species of the genus 'private violence' that could be unproblematically grouped with other private, non-state criminal entities such as organized crime syndicates and drug cartels. Often, this analytical mistake was facilitated by a position that viewed private security not simply—or neutrally—as a profit-motivated actor, but instead as an unsavory actor with a 'profit-oriented interest *versus* the public interest.'[83] According to these studies, the profit motive of a legal private security company was interpreted as somehow intrinsically hostile to the public interest, and was discussed as if it were the functional equivalent of a violent private criminal enterprise.

Once private security companies became a subcategory of criminal and violent non-state actors—conceptually related to mercenaries, terrorists, warlords, and even organized crime—the claim that private security challenged the state's monopoly of violence was often not far behind. For instance, Steven Brayton argued:

> '[f]or nearly three centuries the accepted international norm was that only nation-states fought wars. Today, however, organizing units unrelated to the nation-state, from terrorists, mercenaries, guerrillas and warlords to non-state militias and *private military corporations*, conduct war worldwide. Although the form of non-state force varies from one society to the next, *the collective effect is the erosion of the state's monopoly on the use of violence.*'[84]

This passage mirrors very closely the sentiments of Ulric Shannon, who claimed that the devolution of security functions to private security firms—which he describes as 'professional mercenaries'—reflects part of a '...collective effect manifest in an emerging global phenomenon: *the erosion of the state's monopoly over the use of*

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[83] Johanna Shapland 'Selling Safety: Policing and Social Control over the Public-Private Divide' in *Policing and Security: Social Control and the Public/Private Divide* (Paris: L'Harmattan, Inc.) 1999 p.20.
[84] Brayton, Steven, 'Outsourcing War: Mercenaries and the Privatization of Peacekeeping', *Journal of International Affairs* 55(2) 2002 p. 303. Emphasis added.

violence.[85] Here, Shannon also interpreted private security as part of a larger problem of sub-state actors such as terrorists and warlords that posed a challenge to the state. In more abstract language, Enrique Ballesteros—in his official UN capacity as an investigator of mercenary activity—interpreted the growth of international private security companies as constituting a direct challenge to the very nature of the state and the international system itself. Referencing the growth of private security specifically, he wrote that

> 'If states are prepared to give up an intrinsic element of their sovereignty, this is something which should be clearly stated and which the General Assembly should analyse in depth *because it really would affect and change the nature, structure and functions of the State, while at the same time changing the nature of international relations.*[86]

For Ballesteros, the expansion of private security not only posed a problem for the 'nature' of the state and the international system; it was also seen in an intrinsically zero-sum relationship to state sovereignty. Lawrence Serewicz is another early contributor to the study of private security in IR who a) understood private security as a sub-category of a broader set of non-state military forces and who b) discussed private security's relationship to the state in binary and zero sum terms. Interestingly, Serewicz set out to discuss 'the impact that non-state military forces, such as private international security companies, [would] have on state authority and legitimacy.'[87] However, he addressed this question exclusively within a typical first-cut PSC literature context of state/non-state actor competition, writing '[t]he question guiding this article is the

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[85] Shannon, Ulric, 'Human Security and the Rise of Private Armies', *New Political Science* 22(1) 2000 p.103.

[86] Enrique Ballesteros, United Nations Special Rapporteur 'Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-Determination' HR/CN/764 14 March 1997.

[87] Lawrence W. Serewicz, 'Globaliazation, Sovereignty and the Military Revolution: From Mercenaries to Private International Security Companies', *International Politics* 39 March 2002.

following: Does the diffusion of military knowledge, particularly via globalization, give the state or sub-state military actors an advantage?'[88]

Consistently, private security was interpreted as a subcategory of private violence and combined with a host of other criminal and/or politically motivated non-state actors that used coercion to achieve their ends. As Serewicz's above research question makes clear, private security was also interpreted in terms of a zero-sum competition with state control over violence. These examples represent a broad view of early literature that interpreted the growth of private security in terms of an erosion of the state's monopoly of violence. However, larger studies interested in issues related to the changing nature of warfare and the increasing salience of non-state actors in the international system also interpreted private security in terms of an erosion of the state's monopoly of violence. The rest of this section provides an examination of these issues in a bit more depth and highlights a few of the more prominent examples of IR's interpretation of private security within this first-cut PSC literature.

1.8.1 *Mary Kaldor: Private Security as a Feature of New Wars*

Mary Kaldor's influential work *New & Old Wars*[89] is an important exemplar of this dissertation's critique of Realist thought for two reasons. First, the study relied upon Weberian language of the state (and its breakdown) to discuss the nature of post-Cold War conflict. For Kaldor, these 'new wars...occur in the context of the erosion of the monopoly of legitimate organized violence'.[90] Second, and crucially, this 'erosion of the monopoly of legitimate organized violence' is understood as specifically tied to the growth of private security and private violence more generally. For Kaldor,

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[88] Ibid p.76.
[89] Mary Kaldor, *New & Old Wars: Organized Violence in a Global Era* (Cambridge: Polity) 1999.
[90] Ibid, p.4.

'[e]ffectively, the 'failure' of the state is accompanied by a growing privatization of violence.'[91] Here then, in the simplest terms, we see a classic trope of Realist analysis; namely, that the state and 'private violence' are engaged in a competition whereby the loss of power for one is accompanied in binary and zero-sum terms by a growth of power for the other.

Another problem for Kaldor rooted within Realist thought is the way the category of 'private violence' is conceptualised. For Kaldor, 'private violence' is an umbrella term that does not differentiate between criminal and legally sanctioned non-state violence. Since Kaldor does not differentiate between the violence utilized by private security firms and the violence engaged in by organized crime, they both appear to be examples of the same broader process of the 'privatization of violence' that is eroding the state's monopoly of legitimate violence.[92] As a result of this conflation, she theorises private security as if it posed a challenge to legitimate public control over violence on a par with violent criminal syndicates.

Part of this problem is connected to the way Kaldor frames 'new wars' as fought by non-state actors for private, economic motivations, and how this language can (awkwardly) be applied to both private security and organized crime. For instance, Kaldor states that 'new wars' blur the distinctions between war, which she defines as 'violence between states or organized political groups for political motives', and organized crime, defined as 'violence undertaken by privately organized groups for private purposes, usually financial gain.'[93]

This observation has been made by others, and has provided a useful contribution to the study of the political economy of contemporary warfare.[94] However, by uncritically

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[91] Ibid, p.92.
[92] Ibid, p.4-5.
[93] Ibid, p.2.
[94] See William Reno, *Warlord Politics and African States* (Boulder: Lynne Rienner) 1998.

applying this understanding of private violence across the legal/legitimate-illegal/illegitimate spectrum of private, coercive, financially motivated activity, Kaldor's analysis unhelpfully assumes that the profit motive itself is a problem. Indeed, Kaldor specifically references 'so-called private security firms' as a group in these new wars that—by their nature as private and profit-motivated actors—have a vested interest in continuing violence.[95]

At the same time, private security—again due to its private nature—is intrinsically classified as an agent of 'particularist' private interests, like urban gangs, that exist *ipso facto* in opposition to the state's 'universalist' common public interest. Kaldor writes '[i]f the particularists find allies in the private security agents, mercenaries, militia groups and urban gangs that also exist in wealthier parts of the world, so the universalists can find their counterparts among the NGOs and moderates in otherwise violent areas.'[96]

Importantly, on another level, Kaldor frames this new development of the 'privatization of violence' as a *reversal* of the processes of the 'modernist' historical state-building discourse located in the Realist historical writing of Hans Morgenthau and Weberian Realist Sociology more broadly. In a section that includes a discussion of private security firms, she describes new wars as 'a disintegrative cycle...which is almost the exact opposite of the integrative cycle through which modern states were established.'[97] For Kaldor, as for Realist histories of private security in general, mercenaries were eliminated because 'mercenary armies turned out to be unreliable.'[98] Pointedly, Kaldor even directly cites Max Weber's differentiation of the rational-legal authority of the modern military officer from the 'charismatic condottieri...who recruit and lead

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[95] May Kaldor (ed.), *Global Insecurity* (London: Pinter) 2000. p.5.
[96] Kaldor, *Global Insecurity* p.23.
[97] Kaldor *New and Old Wars* p.92.
[98] Ibid, p.16.

mercenary armies as a capitalistic enterprise.'[99] As a result of this, there is a high degree of teleological bias within her analysis of private security that ties their growth as a kind of literal manifestation of 'backward-looking political projects'[100] and a pre-modern, undemocratic, mercenary past. For Kaldor, general processes of security privatisation are interpreted in terms of a reversal of the processes through which the modern state was formed. Whereas the modern (and socially progressive) process of state-building was intimately tied to the regularization of armed forces and the elimination of private armies, today, new wars are characterized by the re-introduction of and the re-emergence of private organized violence.

Ultimately, for Kaldor, legitimate coercion by its very nature is, must, and *ought* to be located squarely within the public sector. Private security, by virtue of its use of coercion for financial gain and its status as a private actor driven by a 'particularist' agenda, is necessarily an illegitimate security actor. For Kaldor, the issue of the legitimacy of private security is not conceived of as a technical concern centred on how to guarantee the democratic control over legal private security firms, or how to effectively monitor and regulate their operations. Instead, she sees '[t]he key to any long-term solution is the restoration of legitimacy, the reconstitution of the control of organized violence by public authorities, whether local, national, or global.'[101] For Kaldor, private security is—by its very nature—engaged in a zero-sum contest with the state over the control of organized violence, and there is no theoretical space for private security to play a legitimate role in security governance within this Realist-inspired framework. Ironically, Kaldor is ultimately interested in moving away from a strict

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[99] Max Weber, *The Theory of Social and Economic Organization* (London: Macmillan) 1947 p.326, cited in Kaldor, *New and Old Wars* p.17.
[100] Ibid, p.7.
[101] Ibid, p. 10.

state-centric 'government' model towards a model of 'cosmopolitan governance.'[102]

However, her Realist articulation of 'the private' as *necessarily* hostile to the state (and the public good) as well as reliance upon a Weberian understanding of legal-rational and legitimate security governance as fundamentally tied to a state monopoly on legitimate violence stymies an adequate understanding of private security.

1.8.2 *Martin van Creveld: Private Security, Future War and State Decline*

Martin Van Creveld's work *On Future War* was another early influential text that discussed the expansion of private security in terms of the changing nature of warfare. In many ways an influential precursor to Kaldor's own arguments, Van Creveld argued the twenty-first century would witness an end to the twentieth century's major armed conflicts between states and instead be replaced with intra-state wars against smaller, more amorphous, non-state actors whose motivations combined politics with profit.[103] It is in this context of state failure that Van Creveld makes a striking proclamation regarding the future relevance of private security:

> 'The spread of sporadic small-scale war will cause regular armed forces themselves to change form, shrink in size, and wither away. As they do, much of the day-to-day burden of defending society against the threat of low-intensity conflict will be transferred to the booming security business; and indeed the time may come when the organizations that comprise that business will, like the *condottieri* of old, take over the state.'[104]

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[102] Ibid, p.112.
[103] Van Creveld, Martin. *On Future War.* (London: Brasseys) 1991.
[104] ibid. p.207.

Here, again, we see that private security—quite dramatically in this instance—is viewed through the Realist lens of binary and zero-sum power relations as a potentially hostile challenge to the state.

Van Creveld's discussion of private security—both in empirical and theoretical terms—is developed in a bit more depth in his next book, *The Rise and Decline of the State*.[105] As the title indicates—and paralleling Realist state-building narratives more generally—Van Creveld discussed the elimination of private force (i.e. mercenaries) as part of a longer historical process of the state's consolidation of armed force and its monopolization of legitimate violence. Predictably, the growth of private security and the re-emergence of 'mercenaries'—combined with the growth of other violent non-state challengers to the state in the last decade of the twentieth century—is interpreted as a reversal of this state-building process and evidence of state decline. Extrapolating into the near future (as a futurist writer) Van Creveld argues that '[t]he provision of security—which since at least Thomas Hobbes has been recognized as *the* most important function of the corporation of the state—will again be shared out among other entities.'[106]

The practical political consequences of this situation are heavily informed by the nature of these 'other entities.' As with Kaldor, private security companies are simply a sub-group of the broader category of violent non-state actors hostile to the state; here, differentiating legal from illegal, or legitimate private security activity from criminal behaviour, is not treated as analytically useful. Instead, Van Creveld sees the expansion of private security in terms of a dystopian future where private security firms—some

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[105] Van Creveld, Martin. *The Rise and Decline of the State*. Cambridge University, Cambridge. 1999.
[106] Ibid. p. 406.

criminal, others legal—will offer security services in an environment where the divisions between the two become increasingly meaningless.[107]

For Van Creveld, in this future environment of radical state collapse, the divisions between legitimate state violence and criminal violence simply no longer hold any analytical utility. He writes '[w]hatever their goals, all will need money to survive. They will get it by contracting with states to do their dirty business for them, or by selling their services to other organizations, or by blackmailing the population.'[108] Within this descriptive framework, security contracts with states (however unscrupulous) are the functional and analytical equivalent of criminal economic activity centered on 'blackmailing the population.' Ultimately, he suggests, '[t]o put it a different way, terrorists, members of the security industry, and the state's security establishment appear to be growing interchangeable in theory and, in at least some cases, in practice as well.'[109]

Setting aside this dissertation's rejection of the dystopian vision that this narrative suggests is at the heart of the state's 'decline', a number of points need to be underscored. First, Van Creveld follows a Realist understanding of power by discussing private security in binary terms as a zero-sum challenge to the state. Second, Van Creveld demonstrates a Realist theoretical bias by reducing *all* non-state actors that use force to either a) a potential violent political challenger to the state, or b) an irrelevant political epiphenomenon.

This conceptual binary leaves the Realist analyst with two choices regarding his or her understanding of private security; either it is essentially not worthy of consideration, or it can be shown to be an actual coercive threat to the state. Van Creveld, like Kaldor, chooses the latter path. It is this logical binary latent within Realism's conceptualization

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[107] Ibid, p. 407.
[108] Ibid, p.407.
[109] Van Creveld (1999) p.406.

of violence that is the primary reason why Van Creveld does not see an analytical problem in placing legal private security companies in the same category as terrorists. For Van Creveld, as with Realist thought in general, for private security to have political content, it must be presented as a (potential) violent challenge to the state. This consideration philosophically precedes the legal/illegal distinction, and helps to facilitate the combination of criminal and legitimate coercive enterprises into the same analytical category.

Third, Van Creveld demonstrates the recurring pattern of placing the growth of private security into a Realist state-building narrative. This narrative consistently displays a 'rationalist bias' by viewing the elimination of mercenaries as an instrumentally rational decision on the part of states to increase their control over violence, rather than a product of more politically and ideationally contingent processes. Set against this broader Realist and rationalist reading of history, any interpretation of the growth of private security is heavily conditioned to be interpreted as a manifestation of state *decline*. The possibility that the growth of private security should be interpreted within a more neutral framework that does not *a priori* suppose such a decline of state power is not given consideration. For Van Creveld, the end of Hobbesian security governance is synonymous with a hostile threat to the state, and this threat to the state's monopoly of legitimate violence exists equally from both legal and criminal actors that engage in violence.

1.8.3 *Herbert Howe: Private Security and International Politics*

The last example of a first-cut study of private security within IR used to illustrate the deeper conceptual problems Realism has when attempting to theorise private security comes in the writings of Herbert Howe. Howe was one of the earliest academics within

IR to provide a detailed empirical description of the 'new mercenaries' with his writings on the South African private security company Executive Outcomes.[110] These empirical studies usefully removed the study of private security from the broader category of 'private violence' that unhelpfully included criminal and violent illegal political actors seen in earlier work.

While Howe focused much of his analysis of private security within the context of African politics, he also understood the expansion of private security as posing larger questions regarding the nature of the international state system. Again, in the broadest Realist terms, the questions related to private security typically involved its potential as a violent challenger to state 'military might' and the 'global order' itself. Howe wrote that '[t]he international state system has controlled military might over the past 300 years [and] [s]ome observers believe that a dramatic growth in private security could challenge this control and eventually threaten global order...'.[111] Here, for Howe, the re-emergence of private actors selling military force on the international market seemed to directly contradict a defining characteristic of the modern state system itself.

Elsewhere, however, Howe distinguished himself within the first-cut narratives of private security in IR by refusing to assume private security must be understood as a cause (or effect) of state decline. Using a more neutral tone, Howe wrote that 'Max Weber noted that the modern state arose because it "successfully upheld a claim to the monopoly of the legitimate use of physical force in the enforcement of its order" [and that] [t]he idea that private military groups might supplement or displace this core

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[110] Herbert Howe. 'Private Security Forces and African Stability: the Case of Executive Outcomes', *The Journal of Modern African Studies* 36(2) 1998.
[111] Howe, 'Global Order and Security Privatization' p.1.

function of the state....would until recently have been dismissed without serious consideration'.[112]

Importantly, Howe avoided the common mistake within the first-cut private security literature by recognizing that private security did not *ipso facto* need to be understood as presenting a physical 'challenge' to the state, but could instead also 'supplement' state control over violence. Unfortunately, however, this did not mean that Howe avoided Realism's restricted binary and zero-sum power model in his analysis of private security altogether. While he rejected the idea that legitimate private security should be conceptualised only in terms of a potential violent threat to the state, Howe maintained the integrity of Realism's either/or reading of power (and the integrity of the conceptual language of the state's monopoly over the political) by emptying private security of any political significance. This was accomplished by arguing that private security companies should be understood, in effect, not as 'private' actors at all but rather as a simple extension of the state itself. As with Van Creveld, we can see another demonstration of the Realist theoretical either/or power binary that reduces *all* non-state actors that use force to either a) a potential violent political challenger to the state, or b) an irrelevant political epiphenomenon. While Van Creveld settled on the latter, Howe gravitated towards the former. Following this line of Realist logic, Howe wrote:

'"private security" is increasingly a misnomer. Western and African governments influence the functions of the companies both negatively (through restraining legislation) or positively (through government contracting) or introducing company representatives to foreign officials.'[113]

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[112] Howe, 'Private Security Forces and African Stability: the Case of Executive Outcomes', p.308; see also Howe, 'Global Order and Security Privatization' p.1, and Howe, *Ambiguous Order* (2001) p. 193
[113] Ibid, p.219.

The theoretical ramifications of these comments are crucial for understanding this dissertation's critique of Realism's interpretation of private security. While operating within a Realist theoretical framework, once Howe rejected the idea that private security posed a violent threat to the state, there was little if any Realist vocabulary (or conceptual 'space') left for him to theorise private security as an independent, legal, and politically significant security actor. This is because, for Realism, this conceptual space is literally monopolised by the state.

It is this conceptual vacuum within Realist thought that steers Howe towards the linguistically awkward expression—yet one consistent with an internal Realist logic— that denies private security its 'private' status. In making this statement, Howe reduces private security to a mere extension of the state, thereby denying it the political agency ascribed to an independent security actor. This move has the theoretical effect of emptying private security of its political content, relegating it to an apolitical status of economic actor. Overall, by emphasising the way governments influence the functions of private security—and by focusing on the negative restraints of legislation rather than the way law can be used to empower private security to act—Howe is applying a Realist binary logic that denies the existence of a theoretical space for private security companies to engage in the political act of security governance.

1.9 *Second-Cut Interpretations of Private Security in IR: Introduction*

Before engaging in a critique of the way Realist theorists have conceptualised 'private violence,' it is necessary to briefly review the second-cut private security literature in IR. This literature provided the first book-length studies devoted exclusively to private

security within the field.[114] In general, the three works discussed below presented a sea-change in the approach to the study of private security in the discipline by distilling and separating private security from other forms of criminal and violent non-state actors (mercenaries in particular). Through this process, involving various taxonomies and other organizational frameworks, these works also helped to constitute private security as a discrete type of security actor—that was also part of a broader private security industry—that could be properly defined and studied within these terms. At the same time, by organizing the disparate literature on 'mercenaries' and 'private military actors' into broader research questions, these studies also provided some of the first systematically theoretical studies of private security in IR.

For these reasons, this dissertation does not intend to offer a substantial critique of the second-cut private security literature in the same critical fashion applied to the first-cut literature. Instead, the following discussion is used to situate this dissertation's theoretical framework against the prominent examples of private security studies within IR. However, with the above caveat in mind, two particular issues within this literature will be highlighted. First, while the following studies differ on whether or not the growth of private security constituted a weakening or a strengthening of state control over security, all three studies focused on the issue of increase or decreased state control within these narrow binary terms. Second, while each of these studies made reference to broader changes in the nature of authority or networked private security governance, their theoretical models did not allow these ideas to be fully realized or developed.

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[114] Robert Mandel's *Corporate Warriors: Armies without States: the Privatization of Security* (Boulder: Lynne Rienner Press) 2002 was arguably the first book-length single-author volume dedicated to the study of private security companies within International Relations. Due to space constraints, this thesis does not offer a substantive discussion of this work. However, Mandel's use of the Weberian term 'monopoly' as well 'governance'—combined with his limited theoretical elaboration of these concepts— renders this text open to much of the same critical commentary leveled at the three works discussed below. See pp. 30-31 for his use of the term 'monopoly' and pp. 40-42 for his use of the term 'governance.'

1.9.1 *Peter Singer and Corporate Warriors*

Peter Singer provided the first doctoral dissertation-turned book-length work on the growing significance of private security in international politics, a development he referred to as 'the rise of the privatized military industry'. This work has become a core text for the study of private security within IR, and provides the reader with a broad overview, or introduction, to the study of private security within the field of security studies.[115] This work contextualizes the post-Cold War re-emergence of 'corporate warriors' within a long history of 'private warriors' going back to the ancient and mediaeval periods. It also created a taxonomy of private security—termed 'Private Military Firms'—organized around three firms used as a tripartite of ideal types differentiated from one another by the types of defence services these firms provided.[116] Regarding Singer's overall theoretical approach to private security, two general points need to be made. First, the core of Singer's theoretical contribution is organized around the application of economic models to discuss the 'military outsourcing and the loss of control'[117] he saw as an intrinsic aspect of state defence contracting with private security.[118] For Singer, the state's use of private security to perform tasks traditionally undertaken by the state's own armed forces inevitably involved principle-agent dilemmas that would result in a zero-sum loss of control—measured for example in increased costs—for the state. This technical discussion of potential problems related to defence privatization was paralleled by his survey of problems associated with private

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[115] Peter Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca: Cornell University Press) 2003.
[116] Ibid p. 73-136.
[117] Ibid, p.158.
[118] For an alternative perspective on the principle-agent dilemmas pertaining to state outsourcing defense functions to the private sector, see: Patrick Cullen and Peter Weinberger, 'Reframing the Defense Outsourcing Debate: Merging Government Oversight With Industry Partnership' (Washington DC: Peace Operations Institute) 2007.

security's encroachment into civil-military relations more broadly. Here again, Singer emphasized a loss of state control—operationalized this time in the form of military coup risks in weak states or the loss of democratic control over foreign policy in strong states—in his analysis of private security.[119] Overall, Singer's economic principle-agent dilemma model provided an organizational framework upon which to hang many of the varied and multitudinous criticisms within the first cut literature on private security. However, its observations were somewhat diminished by the fact that this theoretical model was not applied to original case study research.[120] By relying on public accounts that provided examples of the various problems that his theoretical model predicted, his analysis was strongly biased towards finding examples of the loss of state control vis-à-vis private security, rather than any potential benefits.

More importantly, however, by investigating private security's relationship to the state in these binary terms that interpreted an increase in power for private security as a potential (and typically real) loss of power for the state, his theoretical model was left unable to address some of the more interesting claims made in his research. For example, Singer wrote '[m]ost fundamentally, PMFs challenge one of the basic premises of the study of international security: that states possess a monopoly over the use of force, and thus the study of security can be based on the premise that states constitute the sole unit of analysis.'[121] Singer went on to elaborate the significance of this observation, arguing that '[t]he powers are no longer exclusively sovereign states, but also include "interdependent players caught in a network of transnational

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[119] Singer, *Corporate Warriors* p.191-215.
[120] Part of this can be explained by the sheer difficulty of the task. Gaining interview access to private security companies is still a difficult task, but prior to the 2003 invasion of Iraq it was difficult in the extreme. Many companies assumed any information they would share would be used to portray their firm as an unethical 'mercenary' company and many simply refused to be interviewed. Today, while it is still very difficult to get a private security company to discuss the specifics of a particular security contract, they are more accessible to researchers and the media in general.
[121] Ibid, p.233.

transactions" [and that] the privatized military industry represents alternative patterns of power and authority linked to a global market, rather than limited by the territorial state.' [122]

However, because Singer based his theoretical work on a micro-economic model that narrowly read the growth of private security in terms of a loss of state control over defence functions, he did not have a theoretical model capable of developing these significant observations. As a result, passing references to networks and the fact that the new and expanded role of private security constitutes a new form of de-territorialized power and authority beyond the state were left un-articulated and unexplored within this text.

1.9.2 *Deborah Avant and the Market for Force*

Deborah Avant's book *The Market for Force: the Consequences of Privatizing Security* provides a theoretically sophisticated book-length work dedicated to the study of private security within IR. In a reflection of the continuing sophistication of private security research, her work combined multiple interview-led empirical case studies with a coherent theoretical framework that focused on two simple questions: 'Does the privatization of security undermine state control of violence? Can the privatization of security enhance state control of violence?' [123]

Dissecting the private security literature into two camps of 'pessimists' and 'optimists' that she interpreted as theoretically underpinned by economic institutionalism and sociological institutionalism (respectively), Avant sought to distil and then empirically test their claims within an *institutionalist synthesis* that combined these two

[122] Ibid pp.169-70.
[123] Deborah Avant, *The Market for Force: the Consequences of Privatizing Security* (Cambridge: Cambridge University Press) 2005 p.3.

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approaches.[124] Disaggregating control into a tripartite framework of political, social, and functional control, Avant then looked to measure the effects that the privatization of security had on the 'delivery of security services' and 'financing for security services' for both state and non-state actors.[125]

Overall, this complex theoretical framework provided a useful tool for thinking about the different types of possible effects that the growth of private security may have on the control over force. However, as her core questions above suggest, this study deliberately set out to analyse private security's growing role in security governance in the zero-sum and binary terms familiar to Realist analysis. While her study includes a sociological institutionalist—i.e. constructivist—element, this too is used to measure whether private security either weakens or strengthens state control over violence.

While this binary formulation of private security either increasing or decreasing state control over violence went some way in correcting Singer's earlier analytical bias towards finding a 'loss' of state control, Avant's study also left a number of conceptual areas unexplored. For instance, Avant's empirical case study research led her to indicate interesting changes in private security's relationship to authority. However, her state-centric approach to authority—most notably exemplified by a comparative analysis of state regulation of private security exports—left broader legal/theoretical possibilities for private security's contemporary relationship to authority unaddressed. While Avant stated that '[a]uthority over force is spread outside the state, to the oil sector and to local companies, some with ties to local militias' [126] her state-centric

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[124] Deborah Avant, *The Market for Force*, chapter two, pp. 42-80. Whereas economic institutionalism's emphasis on the importance of state bureaucratic control over security tasks predicts loss of state control with privatization, sociological institutionalism's emphasis on the importance of internalized actor's norms predicts more room for neutral or even positive control effects associated with privatized security.

[125] This differentiation between deliverers and financers is broadly compatible with a security governance approach's differentiation between implementers and auspices of security used in this dissertation.

[126] Avant, *Market for Force* p. 240. See also her discussion of historical differences in authority over security on p. 212, 244-7.

model of authority left the actual meaning of this dispersal of 'authority' away from the state in this particular instance unexplained and under-theorised.

Finally, this dissertation also takes issue with the way in which Avant has conceptualised the public/private divide, and especially her definition of the term 'private.' In her discussion of some of the meta-theoretical issues surrounding private security, she stated 'I will use the term "private" to refer to non-governmental actors. Commercial entities and NGOs fall into this category—however, so do vigilantes, paramilitaries, and organized crime bosses.'[127] Here, Avant is self-consciously exposing her argument to the conceptual dilemma of placing legal private entities into the same category as illegal private actors. However, since she does not focus her case study research on illegal entities purchasing or supplying security, the practical effect of her understanding of 'the private' as both legal and illegal is left unexplored in her work.

1.9.3 *Christopher Kinsey and Corporate Soldiers*

As with Peter Singer's work, Christopher Kinsey's book on private security[128] was the result of one of the first doctoral dissertations devoted explicitly to the subject of private security within the field of IR. In parallel with Singer, Kinsey's doctoral thesis spent considerable time elaborating a typology of 'private military organizations' as well as situating the contemporary growth of private security within a centuries long narrative of the decline of private violence—i.e. mercenaries and privateers—associated with the rise of the modern state.

More substantively, two points need to be made regarding the theoretical content of Kinsey's work as it pertains to this current study of private security. First, while Kinsey

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[127] Ibid, p.24.
[128] Christopher Kinsey, *Corporate Soldiers and International Security: The Rise of Private Military Companies* (London: Routledge) 2006.

does briefly introduce some of the terminology used in this dissertation's security governance approach, his dissertation did not apply a security governance approach to private security. The concepts typical of a security governance approach—such as networks or the dispersal of authority—are neither theoretically developed nor applied in a systematic fashion. For instance, while Kinsey does discuss the possibility of 'multiple centres of authority,'[129] this terminology is reserved for a discussion of failed states and refers to the existence of competing warlords in a particular territory rather than a systematic discussion of the way private security relates to authority or the fragmentation of political authority. Here, too, we see the concept of authority applied to a broader category of non-state and criminal private violence. While it is perhaps disingenuous to critique the idea of the political authority of warlords in a contemporary African context, Kinsey's use of 'authority' begs the analytical question of how the legal authority of private security may be—or whether it should be—differentiated from the illegal authority wielded by these criminally violent private actors.

Kinsey's use of the concept of *network* is also limited largely to a broadly descriptive account of 'new wars' and the way private security companies operate within this environment. For example, Kinsey draws on the observations of Mark Duffield[130] and other new wars scholars that emphasize a shift away from a state-centric (i.e. 'hierarchical, territorial and bureaucratic') development[131] models towards 'a more polyarchical, non-territorial and networked approach' that increasingly relies on private security for support.[132] However, Kinsey does not use the network concept to provide a

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[129] Christopher Kinsey, 'The Rise of the Corporate Soldier: The Role of Private Military Companies in International Security' Doctoral Thesis, University of Wales, Aberystwyth 2003. p. 212.
[130] Mark Duffield, *Global Governance and the New Wars* (London: Zed Books) 2001.
[131] Development here is understood to mean state-building strategies of the broader international community aimed at the South—primarily African—developing countries.
[132] Kinsey, Dissertation p.63.

focused study of the way private security's involvement in security governance is itself situated within these types of security networks.

He also introduces the notion of strategic complexes—described as complex and mutating networks of public, private, corporate and non-profit actors—to discuss the way security is being privatized to help achieve development-related policy goals. While this is an interesting point worth developing with case study analysis, Kinsey does not apply the notion of a strategic complex as conceptual tool to empirically (or systematically) map the networked interactions between private security and the host of other actors that comprise them. Instead, the notion of a strategic complex is used as a descriptive milieu of the post-Cold War developing-world environment within which private security operated.[133]

This lack of a robust application of security governance concepts does not necessarily represent a weakness in the work, but rather—as with the other two authors discussed— a difference in theoretical emphasis. Kinsey draws from business management theory to discuss the way private security can be 'more efficient than state militaries' and spends considerable time discussing the relative advantages and disadvantages of various mechanisms of state regulation and control of private security addressed within British government policy circles. Importantly, these twin focuses on a) the relative efficiency of private security vis-à-vis state security, and b) the mechanisms by which the state can maintain control over private security again illustrate the re-occurring pattern of interpreting private security in terms of a net 'gain' or a net 'loss' of state control.

As with Herbert Howe, Kinsey differentiates himself from the other two authors discussed by concluding that private security may actually increase state control over

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[133] On an empirical level, he did not apply original case-studies to his analysis of the actual interactions between states, NGOs and multi-national firms and private security. For instance, the discussion of private security interacting with non-governmental organizations was limited to a three page discussion that stated 'no close working relationship exists between PMCs and NGO's' and a discussion of possible future utility in these to actors working together. Kinsey, Dissertation p.209.

security (rather than decrease it) by operating more efficiently than the state's armed forces. However, in setting up his analysis of private security's relationship to the state in this way, private security is still conceptualised in binary terms as either a challenge to state control over security or merely an apolitical tool used by states to increase their control over security. As a result, in this study the importance of private security as an independent political actor is not emphasised.

1.9.4 *Second-Cut Interpretations of Private Security in IR: Conclusion*

The literature on private security within IR has grown considerably more sophisticated in the last few years. The original claims that private security undermines the state's monopoly of legitimate violence—though still with us—have often been operationalized into research questions designed to measure the way private security either erodes or increases state control over violence and security. As a result, these second-cut studies of private security have proven to be extremely valuable. However, by designing their research questions in terms of the effects that private security has on *the state's* control of violence—rather than focusing on how private security is itself engaged in security governance—these studies have also rather ironically retained a significant degree of state-centrism.

Because of this, these studies have not been able to focus their attention on other significant changes in the nature of private security's relationship to security governance. Indeed, as illustrated above, these second-cut studies have occasionally revealed this fact within their own research—by briefly commenting on the dispersal of authority to non-state locations or the networked nature of security structures—while simultaneously operating without the conceptual vocabulary needed to elaborate these observations in theoretical terms. As a result, while these studies have made a

significant contribution to the literature, they have not been able to discuss private security in terms of changes in the operation of authority—or changes in the relationship between territory and security governance—that require a conceptual deconstruction of the state's monopoly on authority, territory, and coercion. By applying a security governance model to the study of private security that de-centers the state and deconstructs its conceptual monopoly on security governance, this thesis will fill this theoretical gap left by the second-cut private security literature.

1.0 *Structure of the Thesis*

The remainder of this thesis is divided into six chapters. Chapter two completes the dissertation's explicit critique of Realist interpretations of private security by providing a brief study of Realist IR and Realist Sociology. This short overview is important for two reasons. First, it is necessary to corroborate the claim that the conceptual problems related to the analysis of private security located in first-cut studies of private security can be traced back through Realist IR theory's treatment of 'private violence'. Second, the focus on Realist Sociology is used to further elucidate some of the Weberian concepts that underpin the state's monopoly of authority, territory and coercion. In doing so, a greater degree of theoretical precision can be attained when discussing the idea of security governance's 'deconstruction' of this Weberian triptych applied throughout the rest of the chapters.

Set against this critical backdrop, chapter three applies a security governance model to the study of private security in Iraq between 2003 and 2007. Overall, the chapter demonstrates what a security governance deconstruction of the state's monopoly of authority, territory and coercion looks like when applied to Iraq. It provides empirical examples of the partnerships between auspices and private security implementers, and

explains how they should be viewed as hybrid public-private (or private-private) security actors. It also illustrates how these hybrid actors were embedded into larger security networks that crisscrossed Iraq during 2003-2007. This model not only maps the way private security engaged in security governance throughout the territory of Iraq; it also provides a tool to illustrate how private security embedded itself into the state's bureaucratic apparatus itself—at multiple sites or nodes—via hybrid security partnerships with the state.

Second, chapter three also provides an addition to a zero-sum and binary framework for understanding the power dynamics between private security and the state. It draws upon observations from the new sociology of governance and neo-Foucauldian literature and applies them to two detailed case studies of large-scale hybrid public-private security networks. Whereas the first case study of the Erinys Oil Protection Force discusses the state-private security power relationship through the neo-liberal lens of 'rule at a distance', the second case study of the PSC Aegis applies some neo-Foucauldian concepts to highlight aspects of private security's relationship to the state that are hidden from binary and zero-sum power models.

Chapter four provides the second and final discussion of the operation of private security in Iraq. Complementing the previous chapter's dual case studies of large (macro-level) networked private security operations, chapter four introduces the concept of the micro-level security network to explore the operation of private security at the capillary level. By demonstrating the way public auspices 'activate' resources external to the state—e.g. NGOs and PSCs—to implement public policy programs, this chapter also empirically elaborates the effects that the neo-liberal governmental practice of 'rule at a distance' has on security governance. Chapter four also provides a case study of security governance operating 'beyond rule at a distance.' This entails a discussion of an

NGO hiring a PSC for armed protection *without* being embedded into a hybrid security network with a public auspice and an explanation of how this mode of security governance differs from 'rule at a distance'.

Chapter five applies a security governance model to the study of maritime private security. Against the backdrop of the first detailed theoretical study of private security in the maritime environment, the fifth chapter demonstrates what the dispersal of meta-political authority away from the state looks like in practice. It provides two case studies of maritime private security companies turning to international law as an alternative non-state source of meta-political authority to undergird the legitimacy of their security governance programs. The first examines a security governance program run by a hybrid public-private security network comprised of a quasi-state and a private security company off of the coast of Somalia. It explores the content of this security governance program, the power dynamics between the various nodes in the network, as well as the entrepreneurial use of international law by the PSC to support the legality of its work. The second case study provides an example of a hybrid private-private (i.e. PSC-commercial client) security network and its interactions with the littoral states of the Malacca Straits. More radically, this case study demonstrates how an entrepreneurial use of international law—and the meta-political authority that it provides—can empower private security to engage in a security governance program within a state's own territory against the wishes of its government.

Chapter six provides a broader overview of the private security industry as a whole by shifting to a global level of analysis. It provides a discussion of the transformation and globalization of private security training by documenting the post-WWII growth and expansion of this industry from its origins in the United States and the United Kingdom to its contemporary global organization. Chapter six also maps the transformational

changes in the nature of security training itself. First, it provides an empirical discussion of the pluralization of the consumers of security training to institutions above, below, outside, and within the state (yet outside of the state's armed forces). Second, it briefly discusses how this de-linking of security training from the state involves a reflexive process between private security and the state that is altering the way we think and speak about security training. Chapter seven concludes the thesis and provides a thesis overview, a summary of its empirical and theoretical contributions, as well as a discussion of future research developments.

2   Private Security and the State in Realist IR and Realist Sociological Theory: A Brief Critical Review

'If we try to avoid reifying some ideal, we find that what we mean by the state is the way in which violence is organized.'[134] –Randall Collins

'This conflation of policing with state police is now restricting our view of what is being done, and what can be done, to govern security under other auspices.'[135] – Les Johnston and Clifford Shearing

Part I.

2.1 *Introduction*

As illustrated in chapter one, while many of the first-cut studies of private security briefly touched upon the deeper problem of how to situate private security in relation to the IR discipline's (loosely) Weberian understanding of the state's monopolistic relationship to legitimate violence, this puzzle was left largely unresolved within this literature. However, this decision made by first-cut analyses of private security 'to leave the Weberian question alone' cannot be understood as a mistake or as a simple analytical oversight. Instead, the unresolved nature of this puzzle within the literature speaks to two larger and related issues within IR.

First, this lack of a resolution to the question: 'How can we theorise private security as a political actor, and how does its growth challenge Realist IR theory's understanding of the state?' needs to be contextualized in terms of a traditional hesitancy within Realist IR theory to properly theorise the state—and its relationship to legitimate authority and

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[134] Randall Collins, *Conflict Sociology: Toward an Explanatory Science* (New York: Academic Press) 1974 p.351.
[135] Les Johnston and Clifford Shearing, *Governing Security* p.10.

violence—and instead simply posit this relationship as a self-evident fact.[136] Arguably, this problem extends into all of traditional mainstream IR theory, where the state has been defined *a priori* as a sovereign entity with a monopoly of legitimate violence. Stephen Krasner illustrates this point succinctly when he writes '[f]or neorealism and neoliberalism, sovereign states are the basic ontological given: the actors in international politics are unitary, territorial, autonomous entities; they are sovereign states.'[137] In this larger sense, then, the first-cut private security literature's insufficient discussion of private security's theoretical relationship to the state was predicated upon a larger silence on these very questions within IR as a discipline.

Second, and more problematically, the task of opening up the Realist idea of the state to a sustained theoretical critique would inevitably involve re-addressing the series of complex meta-theoretical issues alluded to in chapter one. As a result, any systematic critique of Realism's reading of the state's monopoly of legitimate violence in relation to its understanding of private security would have had to provide an alternative theoretical framework for understanding private security's relationship to the authority, coercion and territory. While a security governance approach to private security can address these issues, the first-cut private security literature in IR did not. Tracing this problem back to Realist IR theory itself is the core task of the following section.

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[136] Elsewhere this lack of interest in the state as an institution within mainstream IR theory is critically referred to as an 'asociological bias.' See John M. Hobson, 'What's at stake in 'bringing historical sociology *back* into International Relations'? Transcending 'chronofetishism' and 'tempocentrism' in international relations', *Historical Sociology of International Relations* (ed. Stephen Hobden) (Cambridge: Cambridge University Press) 2002 p.4.

[137] Kraser, Stephen (ed.) *Problematic Sovereignty: Contested Rules and Political Possibilities.* New York: Columbia University, 2001. p.6.

2.2 *Private Security in Realist IR Theory*

This chapter section offers a critique of the work of a number of prominent Realist IR theorists influenced by the conceptual language of Weberian sociology. This discussion is not intended as a critique of a Realist conception of international politics in general. Rather, its purpose is restricted to illustrating how Realist IR theory's discussion of the state's monopoly of legitimate violence—and its understanding of the category of private violence—has either hindered its understanding of private security or rendered private security completely invisible to Realist IR analysis.

This chapter section specifically links some of the conceptual problems illustrated in the first critical literature review—including the predisposition to theorise private violence as illegitimate and viewing all non-state violence in a zero-sum relationship to the state—to problems existing within core Realist IR texts. Finally, this chapter section sets up this dissertation's brief discussion of Weberian Sociology itself before moving on to an empirical application of a security governance methodology to the study of private security in chapter three.

2.2.1 *Kenneth Waltz and Neo-Realism*

Kenneth Waltz's neo-realist theory offers a useful starting point because of the importance of his work within Realist IR theory and also because it provides an example of the explicit usage of Weberian terminology in articulating the state's relationship to violence. As a brief analysis of the quotations below will illustrate, Waltz's usage of the terms *private force, legitimacy* and *monopoly*—and the implicit understanding of power that underpins them—create problems for a subtle analysis of private security's relationship to the state. Since Waltz does not discuss private security explicitly; a fact in and of itself foreshadowing Realist theoretical problems in dealing

with this subject matter. As a result, we are left to extrapolate Waltz's understanding of private security's relationship to the state from his discussion of private force's relationship to the state. The quote below provides a useful introduction to the concept of authority (i.e. legitimacy)[138] as it pertains to a Realist understanding of the use of coercion. Waltz writes:

'A government, ruling by some standard of legitimacy, arrogates to itself the right to use force—that is, to apply a variety of sanctions to control the use of force by its subjects. If some use private force, others may appeal to the government.' [139]

For Waltz, 'the right to use force' (i.e. legitimate violence) is fundamentally something that states arrogate to themselves. The private use of force is not considered legitimate in the same way as the use of force by states, and states use a 'variety of sanctions' to control the private use of force. Indeed, in the preceding quotation, the private use of force seems implicitly criminal and therefore illegitimate in nature—a threat to the subjects of the state—who in turn may appeal to the government to counter this criminal, private use of force. The criminal or politically hostile conceptual relationship between private force and the state (and its subjects) is made more explicit when Waltz writes '[r]ebels challenge a government's claim to authority...[and] [n]ationally, private use of force used against a government threatens the political system.'[140] Not only is private force considered illegitimate in this context, but the relationship between private force and the state is contextualized exclusively in zero-sum and violent terms.

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[138] In Realist thought, legitimacy and authority are essentially synonymous and have little normative content. Realism de-emphasizes the normative aspect of legitimacy and instead focuses on whether or not a state has its legitimacy recognized, and recognition is defined in terms of obedience. In this sense, legitimacy, like authority, is backed up by the state's superior capacity for violence. This point will be made explicitly by Waltz himself in a quotation below.

[139] Emphasis in original. Kenneth Waltz, 'Anarchic Orders and Balances of Power' in *Neo-Realism and Its Critics* (ed.) Robert Keohane, (New York: Columbia University Press) 1986 p.99-100.

[140] Ibid p.110.

Crucially, it does not appear that Waltz theoretically differentiates between *legitimate* private violence (such as private security) and *illegitimate* private violence (such as rebel or criminal violence). On one level, then, one could argue that for Waltz, legitimate private violence is reduced to a conceptual oxymoron. If this is the case, any analysis of private security and its relationship to the state is obviously put under severe theoretical duress.

On another level, one could argue that Waltz does not view all private violence as illegitimate; rather, Waltz implicitly relegates acts of legitimate private violence—such as private security—to an apolitical or economic sphere. If this reading is accurate, two points can be made. First, since Waltz's theory sees legitimacy as something 'states arrogate to themselves', his theory does not allow for the possibility—to be demonstrated in the empirical chapters—that private security may engage in acts of legitimate private violence *independently* of the state using *alternative* sources of public meta-political authority. Second, while Waltz may acknowledge the possibility of legitimate private force (i.e. private security), for Waltz it remains intrinsically non-political and insignificant due to its inability to violently challenge the political order of the state. If this is the case, Waltz leaves little theoretical room for the possibility that private security may indeed operate as a politically significant actor.

Waltz's discussion of the concept of monopoly and its relationship to private force is also instructive. He writes:

'A government has no monopoly on the use of force, as is all too evident. An effective government, however, has a monopoly on the *legitimate* use of force, and legitimate here means that public agents are organized to prevent and to counter the private use of force. Citizens need not prepare to defend themselves. Public agencies do that.'[141]

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[141] Emphasis in original. Kenneth Waltz, 'Anarchic Orders and Balances of Power' in *Neo-Realism and Its Critics* (ed.) Robert Keohane, (New York: Columbia University Press, 1986) pp.99-100.

This quintessentially Weberian formulation of the state as holding a 'monopoly on the legitimate use of force' is explicitly defined in terms of the prevention and countering of private force. Importantly, it appears that Waltz's intent is to refer to the necessity of the 'effective' state to be able to meet (and defeat) any violent (private) challenge to its rule. However, in this instance, the meaning of a 'monopoly on the legitimate use of force' as it pertains to private security and its relationship to the state is not made clear. Not only is private force again placed in a direct and violent zero-sum conflict with the state, but the very idea that the private sector may engage in its own politically significant provision of security—as a provider *or* as a consumer of security—is rejected. Moreover—as will be illustrated in chapter three—Waltz's twin claims that 'citizens need not prepare to defend themselves' and that 'public agencies do that' seem increasingly antiquated as neo-liberal state policies of 'responsibilization' are not merely allowing but actually *requiring* citizens to provide their own armed security protection.[142]

As a corollary to Waltz's observations about private force's zero-sum relationship to the state, the 'private use of force' in the inter-state system is also conceptualized in zero-sum terms as a potential hostile challenge. Ironically, however, in a telling disregard for the relevance of 'private force', neither rebels nor other 'private actors' (such as private security) are given the privilege of representing this challenge. Waltz writes:

'Force used by a state—a public body—is, from the international perspective, the private use of force; but there is no government to overthrow and no governmental apparatus to capture. Short of a drive toward world hegemony, the private use of force does not threaten the system of international politics, only some of its members.'[143]

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[142] This refers to the policy of the Coalition Provisional Authority—and various other state organs— requiring commercial firms to provide their own security. Indeed, commercial firms were required to give a detailed 'security plan' in their contract bid even before they would be considered for the government reconstruction contract.

[143] Kenneth Waltz, 'Anarchic Orders and Balances of Power' in *Neo-Realism and Its Critics* (ed.) Robert Keohane, (New York: Columbia University Press, 1986) p.110.

In a classic example of state-centrism, Waltz simply argues that (public) state violence viewed from the system-level may be understood allegorically as an example of 'private force', since there is no universal source of public authority that exists at a global level. Yet, according to Waltz, this 'private force' wielded by a (public) state against another state ought not be understood in terms of a challenge to the state-system itself. Indeed, according to Waltz's systemic theory of international politics, the possibility of private force constituting a challenge to the international system—conceptually or literally—is essentially nil. While states can be victimized by 'private' aggression, the actual international system itself remains immune from such challenges since there is no 'governmental apparatus to capture' at the global level. Indeed, for Waltz, this form of inter-state 'private force' must actually 'make a drive for world hegemony' in order to challenge the state system, and anything less—such as the absorption of one state by another—is simply a re-organization of power within the system rather than a challenge to it.

Two important points can be drawn regarding private security from Waltz's commentary on the international system. On the one hand, it is instructive to note that at the level of the international system, private (read as non-state) force is considered to be so insignificant that the term 'private' is literally used to refer to inter-state violence. On the other, it is instructive to point out that within Waltz's framework, private security would need to 'threaten the system of international politics' in a literal bid for world hegemony in order to either effect system change or even attain a degree of *political significance* at the level of the international system. Waltz's framework not only obscures private security within an inarticulate category of private violence, but it also

maintains a heavy theoretical bias for system *stasis* rather than *change*.[144] Both of these

facts have proved to be a significant conceptual hurdle for thinking about private

security in global politics.

2.2.2 *Hedley Bull and the English School*

Hedley Bull's work *Anarchical Society* offers another example of a major theoretical

influence within the discipline of IR whose Weberian language leaves it problematically

situated for an analysis of the political content of private security, its relationship to the

state, and its role in the international system. For Bull, as for Waltz and other Realists,

'[t]he starting point of international relations is the existence of *states...*'[145] Bull draws

upon Weberian terminology in his definition of the state when he writes:

'[a] government is distinguished from other institutions within the modern state by its ability to call on physical force. On the one hand, it possesses actual force at its disposal that is overwhelming in relation to that which is commanded by any other group. On the other hand, it possesses a near monopoly of the legitimate use of force: apart from certain residual rights of self-defence that are accorded to the individual, only the government is able to employ force while being regarded by members of the society at large as within its rights of doing so'.[146]

In a fashion similar to Waltz, Bull discusses the state's monopoly of legitimate violence

in fundamentally zero-sum terms; he argues that the key attribute for an effective state is

that it must have in its possession actual force that is 'overwhelming in relation to' the

force wielded by any other actor within its territory. He describes this superior capacity

for violence as 'factual' sovereignty and argues 'an independent political community

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[144] John Ruggie, 'Continuity and Transformation in the World Polity' p.148 and Richard K. Ashley 'The Poverty of Neorealism' p.290 in Neorealism and its Critics (New York: Columbia Univeristy Press) 1986.
[145] Bull, Hedley *Anarchical Society*, (Basingstoke: Macmillan) 1977, p.8.
[146] Bull, *Anarchical Society*, p.55. It is interesting to note that Bull's point of 'residual rights of self-defence accorded to the individual' directly follows Weber's own treatment of this subject.

which merely claims a right to sovereignty *but cannot assert this right in practice, is not a state properly so-called*.[147] Clearly, this quotation suggests Bull's articulation of the state's monopoly of legitimate violence is not incompatible with the existence of private security. However, by framing the question of the state's relationship to coercion in such stark either/or terms of whether or not a state can maintain ultimate coercive supremacy over other actors, private security is here again implicitly interpreted within a broader category of private force that is seen as either an existential threat to the state or dismissed as politically irrelevant; as a result, private security is left hidden from his analysis.

Bull's usage of the term legitimacy[148] is also important. Unlike Waltz—whose approach to the relationship of private force and legitimacy is less clear—Bull takes a more explicitly Weberian approach to the issue of legitimacy. Specifically, he acknowledges that the state's monopoly of legitimate violence is theoretically compatible with 'certain residual rights' held by the private citizen to engage in limited acts of legitimate 'private' violence. This is an improvement upon Waltz insofar as the private use of force does not conceptually slip back and forth between (or simply remain an ambiguous combination of) legal and illegal violence. However, as with Weber himself, these residual rights are discussed in terms of the household right of individual self defense and are left intentionally incompatible with the idea of private security's participation in the political practice of security governance at the societal level in general. Following a Realist and state-centric logic, for Bull, coercion at the *societal level*—i.e. politically significant coercion that extends outside of the household into broader society as a whole—is conceptualized as legitimate only when engaged in by the state. Logically following from this, the Realist pattern of interpreting organized

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[147] Bull, *Anarchical Society,* p.8 emphasis added.
[148] This dissertation understands Bull's use of the term legitimacy as a synonym for authority. The justification for this was explained in the previous section discussing the work of Kenneth Waltz.

private force that takes place at the level of society as illegitimate and a challenge to the state is replicated in Bull's writings.

Interestingly—and again in contradistinction to Waltz—Bull's understanding of the state's monopoly of legitimate violence is amenable to the idea that legitimate authority may be divided up between the state and other actors. However, rather than creating theoretical space for a discussion of the relationship between these multiple authorities and what this might mean for private security and its relationship to security governance, this possibility is precluded by an emphasis on state sovereignty and its '[s]upremacy over all other authorities within that territory and population.'[149] Following Weber, for Bull any possibility of politically significant legitimate private authority over security governance being wielded by private security is rendered void by a binary reading of authority. For Bull, states either monopolize authority, or they are 'not a state properly so-called.'[150]

2.2.3 *Hans Morgenthau and Classical Realism*

The final example of the latent problems created by the Weberian inheritance within Realist IR thought when attempting to properly understand private security is taken from the defining classical Realist account of international politics—Hans Morgenthau's IR textbook *Politics Among Nations.*[151] While Morgenthau prefers to discuss the organization of violence within the state—and within the modern international system—in terms of the principle of *sovereignty* rather than *monopoly*, as previously emphasized, the two concepts when used within Realist IR theory and Realist Sociology are essentially synonymous. For Morgenthau:

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[149] Bull, *Anarchical Society,* p.8.
[150] Ibid.
[151] Hans Morgenthau *Politics Among Nations: the Struggle for Power and Peace* (New York: McGraw-Hill) 1948.

'The modern conception of sovereignty was first formulated in the latter part of the sixteenth century with reference to the new phenomenon of the territorial state. It referred in legal terms to the elemental political fact of that age—the appearance of a centralized power that exercised its lawmaking and law-enforcing authority within a certain territory. This power....was superior to the other forces that made themselves felt in that territory. In the span of a century, it became unchallengeable either from within the territory or from without. In other words, it had become supreme.'[152]

Here, state sovereignty is understood in terms of the state's 'supreme' and 'unchallengeable' position to 'the other forces that made themselves felt in [its] territory.' For Morgenthau, sovereignty was first and foremost a political fact that expressed itself in the binary and zero-sum terms of the state's superior control over the means of violence relative to those other actors present within its territory. Pointedly, Morgenthau did not refer to *private force* in his discussion of 'the other forces' that existed within a state's territory. Instead, the 'other forces' he referred to were the emperor and pope on the one hand, and feudal barons on the other, an omission of private force that again broadly illustrates the way Realist thought has arguably displaced private force—and hence private security—from analytical consideration.[153]

Given this dissertation's critique of Realism's ahistorical approach to the organization of violence in the international system, it is important to underscore that while Morgenthau has an historically located understanding of sovereignty, his understanding does not emphasize—or even allow for—continuing change in the nature of security governance. Nor is this framework theoretically sensitive to the possibility of private security's potential role in security governance. Though Morgenthau does discuss an important historical transition from the mediaeval system to the modern system of sovereignty—and thus discusses the possibility of change in security governance—the 'end of history' aspect of Realism's state-centric understanding of the modern state's

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[152] Morgenthau, Hans (1948) *Politics Among Nations,* New York: McGraw-Hill Inc, p.328.
[153] Ibid.

monopoly of legitimate violence provides the intellectual core of Morgenthau's thought on security governance. For Morgenthau, the political *in*significance of private force has remained an implicit constant from the sixteenth century onwards. This insignificance is understood in terms of the 'political fact' of the state's superior control over violence that has continued into the contemporary period. Morgenthau writes that:

'[t]oday, no less that when it was first developed in the sixteenth century, sovereignty points to a political fact. That fact is the existence of a person or a group of persons who, within the limits of a given territory, are more powerful than any competing person or group of persons and whose power, institutionalized as it must be in order to last, manifests itself as the supreme authority to enact and enforce legal rules within that territory.'[154]

With Morgenthau, as with much of Realist and other state-centric thought, to the extent that change in international politics is discussed, it is relegated to a distant pre-Westphalian past. At the same time, any discussion of the operation of private force as a significant political actor remained locked into a binary logic that required either a violent challenge to the state or its relegation to the status of an apolitical epiphenomenon. Indeed, for Morgenthau, as with Waltz after him, the relative insignificance of private force in the inter-state system was so profound that it did not merit any serious consideration whatsoever.

2.2.4 *Contextualizing the Problems of First-Cut Studies of Private Security in IR within the Broader Problems in Realist IR Theory*

As illuminated above, many of the conceptual problems encountered by first-cut studies of private security in IR can be traced directly back to Realist IR theory. The writings of Waltz, Bull and Morgenthau all demonstrate—in different ways and to different

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[154] Morgenthau, p.335.

degrees—a Weberian understanding of the state's monopoly of legitimate violence that has rendered their work theoretically ill-equipped to discuss the political significance of private security. On a general level, the static state-centric structure of Realist IR theory blinds it to the possibility of change in the organization of legitimate violence in the international system, thereby limiting its ability to understand the re-emergence of private security in terms of a shift in the way political coercion is organized. At the same time, Realist IR theory's crude category of 'private violence' has proven incapable of offering a suitable analytical lens for understanding private security. On the one hand, by 'dumping'[155] private security into a larger category of potential challengers to state rule, Realism over-emphasizes a theoretical zero-sum power competition between private security and the state. On the other hand, Realism's general understanding of the state's monopoly of the political also forces private security into a conceptual binary whereby it is considered either a violent criminal actor or a legitimate yet politically insignificant actor. In the latter case, private security is either understood as an extension of the state without any real political autonomy, or essentially as an economic actor confined to the realm of private household violence.[156] The following section traces these conceptual problems Realism faces when interpreting private security back to the writings of Max Weber and Weberian[157] Realist Sociology more broadly.

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[155] This typically happens on an implicit level due to the fact that Realist theory does not discuss private security on its own terms, but merely as a sub-category of private violence.

[156] For a critique of Realist theoretical arguments that deny the autonomy of non-state actors, see: Barnett, Michael, Finnemore, Martha. 'The Politics, Power, and Pathologies of International Organizations' in *International Organization* 1999 53(4) p.714.

[157] This dissertation dispenses with the term neo-Weberian occasionally used to describe the writings of authors like Anthony Giddens or Michael Mann who have developed mild modifications to Weber's definition of the state and its monopoly of violence. This decision is justified due to the fact that the writings of these 'neo-Weberian' authors are broadly exposed to the same general criticisms leveled against Weber and Realism in general.

Part II.

2.3 *Assessing the Impact of Weberian Sociology on the Study of Private Security in IR*

This dissertation agrees with Michael Smith's proposition that '[m]ore than any other figure Weber established the discourse of the Realist approach to international relations.'[158] This dissertation also extends this observation by suggesting that more than any other figure, Max Weber has established the foundational conceptual terms within which the discourse on private security within International Relations has unfolded. Not only has the Weberian terminology of the state 'monopoly on violence' been a ubiquitous presence within the literature on private security; more fundamentally, the theoretical categories and concepts behind Weber's definition of the state—regarding authority, territory, coercion, power and the political itself—have both dominated and created significant problems for the way IR has approached the study of private security.

By creating a definition of the state that 'captures' each of these concepts within the idea of a state monopoly, Weberian sociology has provided a theoretical template for Realist IR theory that is not only blind to private security, but is also theoretically unable to articulate private security's role in security governance or its specifically political content. Moreover, Weber's zero-sum understanding of power has directed most analyses of private security's relationship to the state within IR in precisely these terms of a loss/gain power binary insensitive to the contradictory power effects of the hybrid public-private security networks that comprise the state's relationship to private security. The remainder of this chapter is dedicated to discussing the work of Max Weber—and Weberian sociologists—directly before moving onto the application of a

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[158] Michael Smith, *Realist Thought from Weber to Kissinger* (Baton Rouge: Louisiana State University) 1986 p.54.

security governance framework to the empirical case studies presented in this dissertation.

2.4 *A Critique of the Weberian State Monopoly of Security Governance on its Own Terms*

This section provides a direct review and critique of Max Weber's definition of the state. Rather than providing a redundant discussion of a Weberian interpretation of authority, coercion, and territory as outlined in Part II of chapter one, the following section will accomplish four specific tasks. First, it will provide a simple and brief point by point critique of Weber's definition of the state as it pertains to the study of private security from the theoretical perspective of a security governance model. Second, in doing so, it will highlight a number of aspects of Weber's definition of the state explicitly relevant to the study of private security that have not yet been illustrated. Third, it will offer a reappraisal of how Weber understands the 'monopoly of violence' in terms of 'last resort control,' with direct reference to how this crucial aspect of his definition has been avoided by other scholars of private security critical of Weber. Fourth, it will provide a brief reassessment of how the security governance model used in this thesis moves beyond a Weberian understanding of private security, and why this move is necessary, before moving onto the empirical section of the thesis in chapter three.

2.4.1 *Max Weber's Definition of Modern Security Governance: The State Monopoly*

Max Weber's definition of the state is complex and he takes a full three pages to elucidate it. His most succinct and popular definition—and the definition that has proven foundational within IR theory—posits that:

'A compulsory organisation will be called a "state" insofar as its administrative staff successfully upholds the claim to the *monopoly* of the *legitimate* use of physical force in the enforcement of its social order.'[159]

Weber continues to elaborate the definition of the state with reference to characteristics of the modern state. He writes:

'Furthermore, today, the use of force is regarded as legitimate only so far as it is either permitted by the state or prescribed by it…[t]he claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and of continuous operation.'[160]

This definition of the state—elucidated in full here—does not merely describe the state's characteristic features; rather, it does so in a way that builds (or rests) upon the series of meta-theoretical propositions within Weberian Realist thought discussed in chapter one. Importantly, each of these elements of Weber's definition of the state are also used to differentiate the state—and its monopoly on the political business of rule—from other actors and their necessarily apolitical activity. In each of the following sub-sections below, the various elements of Max Weber's above definition of the state are highlighted and critiqued with reference to the problems they pose for the study of

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[159] Weber, Max, *Economy and Society* (eds.) Guenther Roth and Claus Wittich, Vol. I (Berkeley: University of California Press) 1968 p.54. Italics in original.
[160] Ibid, p.56.

private security. These various definitional elements are also briefly re-interpreted from a security governance perspective.

2.4.2 *The Legitimacy of the Security Governance of Private Security*

Weber's claim that 'the use of force is regarded as legitimate only so far as it is either permitted by the state or prescribed by it' contains two points of direct relevance for this dissertation's understanding of the legitimacy and legitimate authority wielded by private security. First, unlike some of the cruder discussions of private violence within Realist IR theory seen in the first half of this chapter, Weber's rich definition of the state contains a legal-formal understanding of legitimacy that is capable of differentiating between legitimate private security and illegitimate criminal violence. However, the binary and zero-sum power relationship that underpins Weber's understanding of the 'permission' that the state grants to legitimate private security also logically strips private security of its political content. While this dissertation acknowledges that Weber's definition of the state creates a theoretical space for legitimate private security companies to exist, it posits that this acknowledgement is contingent upon denying private security its political content and denying the possibility of its role in political act of security *governance* in general.

Second, on an empirical level, this dissertation argues that Weber's claim that 'the use of force is regarded as legitimate only so far as it is either permitted by the state or prescribed by it' is directly contradicted by the dispersal of meta-political authority to other public institutions such as international law. Within this dissertation, the use of force by private security is both legitimate and political; moreover, as will be illustrated briefly in chapter three and more conclusively in chapter five, private security need not necessarily rely upon the state for the meta-political authority to lend it this legitimacy.

2.4.3 *The 'Compulsory Jurisdiction' of the Security Governance of Private Security*

For Weber, another essential aspect of the state is its 'compulsory jurisdiction.' As previously demonstrated in the section devoted to a Realist understanding of territory, Weber's conceptualisation of compulsory jurisdiction is restricted to the state due to its unique use of physical coercion—via its police and military forces—to impose 'compulsory' compliance with its state-wide political-territorial order. Because Weber understands legitimate private coercion as a) limited to private or 'household' space; b) limited in its degree or amount of coercion; and c) also limited in application to its own members, Weber's concept of compulsory jurisdiction cannot extend to private security. However, in contradistinction to Weber, this dissertation argues that private security must be understood in terms of its role in implementing compulsory security governance. As the next chapter will clearly illustrate, not only does the operation of private security extend into large swaths of public space, but it also directly influences the behaviour and activity of *everyone* in its territorial sphere of operations. Moreover, private security's access to the threat of lethal coercion also underscores the compulsory nature of its security governance.

2.4.4 *The Politics of Time: The 'Continuous Operation' of the Security Governance of Private Security*

In Weber's famous formulation above, 'continuous operation' is also an essential characteristic of the state. This political element of time—and the relationship between duration and rule—is used by Weber as an organizational category to differentiate the state's *political* coercion from other acts of compulsory physical coercion he considers

non-political. The Weberian sociologist Gianfranco Poggi has used the example of a street mugger to draw out the way time itself becomes a variable used by Weberians to differentiate the state's uniquely political character. For Poggi, while a street mugger may violently dominate (and require compulsory submission) from his victim for a matter of seconds, the state *constantly* requires this compulsory submission from its citizens, and has institutionalized rules to demand this submission even when its coercive agents are not immediately and directly present. In a logically consistent (and only half-ironic) extension of this argument, the Realist sociologist Charles Tilly suggested that the political content of the state was not a result of it differentiating itself from crime per se; rather, it was its ability to institutionalize *continuous* crime by regularizing its muggings in the form of taxation.[161]

Two points need to be made about Weber's concept of continuous operation as it pertains to private security. First, significant security governance is engaged in by private security for long periods of time within a particular territory. Major cities such as London have had a commercial private security presence in one form or another for well over a century.[162] Today, this role is expanding as the security governance of major cities is being re-organized in such a way that private security's role in providing security may accurately be described as continuous. This not only refers to the private security operating in the quasi-public squares on private property (e.g. shopping centres) or public-private spaces (e.g. subways and airports) but also increasingly to their continuous role in securing public space. First, private security may be contracted to secure a particular territory or to provide armed security functions throughout a particular territory for years at a time. This fact of continuous operation applies directly to many of the security contracts detailed in case study work—or simply alluded to—in

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[161] Charles Tilly, 'War Making and State Making as Organized Crime' Peter Evans and Theda Skocpol (eds.) *Bringing the State Back In* (Cambridge: Cambridge University Press) 1985.

[162] Les Johnston, *Rebirth of Private Policing* p.6-9.

this dissertation. Second, on a more abstract level, new models of networked organization currently allow security governance by private security to take place quickly in a particular space, move, and get reconstituted in another space in ways that are politically significant and even continuous while not being tied to a particular territory.[163] Third, and finally, the security governance of private security may be said to be continuous to the extent that it is occurring simultaneously—by many different private security actors in many different places—at any given time. This, too, must be understood to have a political content.

2.4.5 *The Professional 'Administrative Staff' of Private Security*

Another essential definitional aspect of the state's violent ordering of political rule for Weber is the quality and capacity of the state's 'administrative staff.' Interestingly, a close reading of Weber's understanding of the role of the state's administrative staff in successfully maintaining a monopoly of violence suggests that he is directly concerned with mercenaries. This is because, for Weber, the historical process by which the state gained the technical coercive capacity to monopolize violence was constituted by a move away from hiring mercenaries or engaging in commercial contracts with security agents external to the state towards the creation of a permanent, professional and bureaucratically organized state security apparatus. Weber writes:

'...the modern army is essentially a bureaucratic organization administered by that peculiar type of military functionary, the "officer."' [Moreover,] '[t]he modern army officer is a type of appointed official

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[163] Fast moving, heavily armed private security convoys prevalent in Iraq is one prominent case in point. Private security anti-piracy armed ship escorts provides another example of this idea.

who...differ[s] radically from elected military leaders, from charismatic *condottieri*[164], from the type of officers who recruit and lead mercenary armies as a capitalistic enterprise...'.[165]

Thus, to the extent that mercenaries are mentioned within a Realist discourse, they are used as an exemplar of a pre-modern, unprofessional and inefficient technique of security governance. For instance, the preeminent Realist Samuel Huntington—in his classic work on civil-military relations *The Soldier and the State*—follows a Weberian logic and language by defining the military profession as a uniquely monopolized institution of the modern state constituted by the elimination of mercenaries and their replacement by the permanent institutionalization of the officer corps of the state's armed forces.[166]

This Weberian focus on the elimination of mercenaries from the state's administrative staff—and how this is an integral element of the state's monopoly of violence—is a core feature of the Realist sociological discourse and has been repeated by many of the major contributors within this literature. For instance, Michael Mann writes:

'Here I move on to...the state monopolization of organized military power—gone were feudal levies and private armies.'[167] 'Armed forces tightened from loose confederations of regiments "owned" by great nobles or mercenary entrepreneurs to modern, professional forces imposing highly centralized line and staff controls and discipline.'[168]

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[164] The term *condottieri* is an Italian word used to describe the mercenary leaders who engaged in business contracts with the rulers of Italian city-states between the 14th and 16th centuries to provide them with military services.

[165] Weber, *Economy and Society* p.221-2.

[166] This point was also made in the history section of chapter one. See Samuel Huntington, *Soldier and the State: The Theory and Politics of Civil Military Relations* (Cambridge: Harvard University Press) 1957 p.14-15.

[167] Michael Mann, *The Sources of Social Power vol. II The Rise of Classes and Nation-States, 1760-1914* (Cambridge: Cambridge University Press) 1993 p.73.

[168] Ibid p.17.

Similarly, Christopher Dandeker writes:

'[t]he state transformed military organization from a system comprising largely self equipped mercenary formations, employed by contracting captains, to one based on professional servants of the state, disciplined in a bureaucratic hierarchy and owing allegiance to the state alone.'[169]

Interestingly, Gianfranco Poggi links his discussion of the importance of the elimination of mercenaries from the state's administrative staff to broader theoretical claims about the nature of the state's monopoly of legitimate violence. He writes:

'The controlling organization is a state in so far as it is (among other things) sovereign: that is, it claims, and if necessary is willing to prove, that it owes to no other power its control over the population in question; *that it responds to no other organisation for the modalities and outcomes of that control.* It exercises that control on its own account, *activating its own resources, unconditionally, and does not derive it from or share it with any other entity.*'[170]

This brief review of how Weberian sociology understands the nature of the state's administrative staff is directly relevant to this dissertation's study of private security on a number of grounds. First, by demonstrating how Realist theory views the elimination of mercenaries from the political act of security governance as constitutive of the state's monopoly of legitimate violence, this discussion helps to explain how and why Realism (un)theorises private security as a political actor. Second, it continues to contextualise the way the expansion of private security has been viewed in IR in zero-sum terms as a challenge to the state's monopoly of legitimate violence. Third, Poggi's quote above provides a proper segue into a discussion of the relationship between the contemporary

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[169] Christopher Dandeker, *Surveillance, Power and Modernity: Bureaucracy and Discipline from 1700 to the Present Day* (Cambridge: Polity Press, 1990) p.57.
[170] Gianfranco Poggi, *The State; Its Nature, Development and Prospects* (Palo Alto: Stanford University Press) p.21 emphasis added.

expansion of private security, the Realist concept of the state's administrative staff, and how the absence of mercenaries within this staff is deemed as a constitutive element of the state's monopoly of legitimate violence. Specifically, this dissertation argues that as states increasingly activate private security resources external to their own military (i.e. administrative staff) to implement their security programs, Poggi's proposition that a state 'owes to no other power its control over the population' [and that] 'it responds to no other organization for the modalities and outcomes of that control' is becoming increasingly untenable. Fourth, as private security continues to develop, the notion that 'mercenaries' do not have the skill sets required to act as professional security specialists—and that this security function is still monopolised by the state's armed forces—is no longer tenable.

Today, the state-centric assumption that security professionalism is monopolised by the centralized security bureaucracies of the state's police and military is giving way to the reality of a pluralisation of professional private security services. Rather than viewing professionalism as an *a priori* characteristic of the state's security forces—and the *absence* of professionalism as an *a priori* attribute of private security—studies of professionalism must be grounded in empirical research of both state and private security forces.[171] Finally, on an organizational level, late-modern and networked organizational models—and the neo-liberal ideologies and managerial techniques of rule at a distance that underpin them—are challenging the idea that the traditional

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[171] The degree of professionalism of both public *and* private security actors is a matter of empirical investigation. This importance of using empirical studies to move away from the state-centric theoretical assumptions regarding the privileged position of the state in matters related to security governance is a self-conscious contribution of the security governance literature. Also, Avant's discussion of her category of 'functional' control of security usefully points out that economic institutionalist literature's discussion of the superiority of state control over 'sovereign' functions like providing security assume an ideal model of the state (in terms of absence of corruption, etc) that is not always present in reality. See Avant, *Market for Force,* p.57. Clearly, this dissertation extends this critique to Realism's assumptions about state professionalism in general.

bureaucratic organization the state is the most rational and efficient form of administering security governance.[172]

Though this dissertation avoids placing too heavy an emphasis on the relative efficiencies and inefficiencies of private or public modalities of security governance, it intentionally draws attention to the way private security disrupts state-centric Realist understandings of 'administrative staff' as it pertains to the state's monopoly of legitimate violence. Today, contra to Weber, the professional 'administrative staff' responsible for security governance in global politics exists both inside and outside of the state and its armed forces. Moreover, more often than not, the administrative staffs of these public and private security actors are involved in various degrees of hybrid and networked security arrangements that are increasingly blurring the distinction between them.

2.4.6 *Private Security Beyond 'Last Resort Control'? A Qualified Defence of Weber*

One qualification needs to be added to this dissertation's critique of the Weberian concept of the state's monopoly of legitimate violence. Specifically, it is important to acknowledge the significance of a Weberian understanding of 'last resort control' and the way this concept has been sidestepped in the literature on private security critical of a Weberian definition of the state. For Weber:

'...the threat of force, and in the case of need its actual use, is the method which is specific to political organisations and is always the *last resort* when others have failed.'[173]

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[172] David Osborne and Ted Gaebler *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector* (New York:Plume) 1993; Manuel Castells *The Rise of the Network Society* vol. I p.151-67.

[173] Max Weber, *Economy and* Society p.54. Emphasis added.

Here, last resort control explicitly refers to the fundamental zero-sum power relationship between the state and other coercive actors within its territory. For Weber, the mere existence of other coercive actors within a state does not challenge its successful monopoly of legitimate violence. Poggi underscores this point when he writes:

'First, the control a state exercises over a population typically involves coercion, with its characteristic ultimacy... In other words, whatever else and whoever else is involved in controlling a population, the state specializes in last-resort control...Second, the state claims the monopoly of such control. [174]

Importantly, while the Weberian Realist theoretical language used above is blind to the political content of private security and the security programs it implements, studies of private security that are critical of Weber's use of the term 'monopoly of legitimate violence' are at risk of being blind to the Weberian concept of 'last resort control.' This problem stems from a reading of the Weberian monopoly over legitimate violence purely in terms of an historically located and empirical achievement rather than as a theoretical proposition related to the binary and zero-sum nature of power itself.

As a result, claims that '[w]hether the state exerts control, direct control, or monopolistic control over the use, means, or principal means of violence is an empirical question'[175] and that '...the state's monopoly Weber wrote about was exaggerated from the start and there has been a role for the private sector in security for some time...'[176] do not properly engage the Weberian definition of the state on its own terms. Specifically, these claims incorrectly read Weber's understanding of the state's monopoly of legitimate violence merely in terms of an empirical description of the way

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[174] Gianfranco Poggi, *The State; Its Nature, Development and Prospects* p.21.
[175] Janice Thomson, *Mercenaries, Pirates & Sovereigns* p.9.
[176] Deborah Avant, *Market for Force*, p.2.

violence is organized, and crucially discount the binary zero-sum philosophical core of Weber's meaning of monopoly as *last resort control*.

This over-emphasis on the empirical element of Weber's understanding of the state's monopoly of legitimate violence—and the under-emphasis on the hypothetical violent contest for political supremacy embedded within Weber's idea of monopoly—is also found within nodal security governance criticisms of Weber. For Clifford Shearing and Monique Marks, a 'state monopoly over the governance of security' is interpreted as an ideal of the Hobbesian tradition '...expressed by Weber's conception of the nation-state as requiring a monopoly of violence.'[177] For these authors:

'[w]ithin this political philosophy, aspiration led to claims that such a monopoly had been realized; that a political fiction was the case. Over the past several decades this fiction has been increasingly difficult to maintain...'[178]

Again, Weber's understanding of monopoly is reduced to a literal and empirical descriptive device and his concern with the zero-sum and binary nature of political power is ignored. Other writers within IR heavily influenced by the nodal security governance approach to private security can also be critiqued along these lines. From the Weberian perspective, claims that '...public authorities are only one (albeit an important and in many ways still privileged) provider' of security are disingenuous.[179] How important, and how privileged, is the state, and how does this importance and privilege manifest itself? Weber is clear on this point: the state's privilege is total and stems from its superior ability to wield violence and choose the nature of the political order. For Weber, no empirical shift towards an increase in private security changes this

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[177] Clifford Shearing and Monique Marks, *Introduction: Diversity in Policing* p.197.
[178] Ibid.
[179] Michael Williams and Rita Abrahamsen, *Security the City p.*242.

brute political fact of the state's 'last resort control' at the philosophical core of his understanding of the state's monopoly of legitimate violence.

2.5 *The Necessity of Moving Beyond a Weberian State Monopoly of Security Governance*

However, this dissertation argues that the price of Weberian inspired Realist theoretical clarity that comes with a binary and zero-sum reading of private security's relationship to the state's monopoly of legitimate violence is high—too high—a price to pay. Most importantly, it does not provide us with the conceptual language to *theorise* the political content of private security or *map* its growing role in security governance.

Fundamentally, this dissertation argues that our understanding of the way security is governed cannot be reduced to what the state does. While politics may still be fundamentally grounded in the way coercion is territorially organized, authorized, and implemented, the contemporary role of private security means we can no longer simply assume that these three aspects of the political are monopolized by the state. The next chapter begins the dual theoretical and empirical process of applying this dissertation's security governance model to the study of private security and its role in security governance in Iraq.

3   Iraq I: Private Security and Networked Security Governance in Iraq

'A network, by definition, has nodes, not a center.'[180]— Manuel Castells

Part I.

3.1 *Introduction*

In light of the importance of Iraq to the study of private security in general,[181] this chapter is the first of a dual set of complimentary chapters dedicated to an empirical and theoretical analysis of the security governance engaged in by private security within Iraq between 2003 and 2007. Taken collectively, these two chapters set out to illustrate how this practice of private security conflicts with traditional state-centric models of security organization that assume both the authorization and the implementation of security governance is monopolised by a unitary, centralized state security apparatus. The security governance framework used in this chapter emphasizes the de-coupling of public authorization of security from its implementation as well as the pluralisation of public and private actors (auspices) engaged in the authorisation of security via the employment and deployment of private security. Thus, this study of private security in Iraq is devoted to highlighting the shift in security governance away from the ideal of a state monopoly over security governance by empirically mapping the multiple public

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[180] Manuel Castells *End of Millennium: The Information Age: Economy, Society, and Culture* vol. III (London: Blackwell) 1998 p.332.

[181] This comment should be understood on two levels. First, the US-led invasion of Iraq created a massive market for private security and an exponential increase—qualitatively and quantitatively—in the security governance engaged in by private security. Second, this fact brought the 'idea' of the relevance of private security to the attention of the social sciences, the media, and the general public to an unprecedented degree.

and private auspices (authorisers/customers) and private implementers (deliverers/providers) of security involved with the governance of security in Iraq.[182]

Rather than adopting a Realist state 'logic of reproduction'[183] that emphasizes the state's continuous reproduction of its own structures—and therefore an ahistorical reading of the state's monopolised relationship to security governance—this approach emphasizes the changing patterns and actors involved in governing security. In doing so, it also intentionally emphasizes that the organization of security governance is a historically contingent and open question; in other words, it must be investigated empirically and cannot be an in-built assumption or definitional aspect of the analytical categories (i.e. the state and its security monopoly) used to discuss security governance.[184] Thus, by viewing security governance as a process, or a practice, and separating it from the institutions of the state, it becomes possible to bring attention to the changing structures, techniques and actors (i.e. nodes[185]) involved in security governance as well as the horizontal networks that connect them to each other.[186]

The concept of a 'security network' is used here in two distinct ways. First, defined as 'a set of institutional, organizational, communal or individual agents or nodes that are

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[182] Wood also discusses the terms 'security governance' as well as 'auspices' and 'implementers' as part of a larger project to move away from a 'state centered, Hobbesian view of governance' that highlights the plurality of institutions authorizing and delivering security. See: Jennifer Wood 'Cultural Change in the Governance of Security' *Policing & Society* 14(1) March 2004 p.32.

[183] A core aspect of this 'logic of reproduction' is the Realist proposition that violent actors must submit to the state or take over the state; within this Realist account, this process logically requires this new actor to 'become' the state, thereby perpetuating state reproduction.

[184] Clifford Shearing, Jennifer Wood, 'Nodal Governance, Democracy, and the New Denizens', *Journal of Law and Society* 30(3) 2003 p.404.

[185] The concept of a 'node' is common in sociological literature that is interested in mapping patterns of power that move beyond conventional state-centric theoretical models towards *networked* theoretical models. For an example of this, see Manuel Castells *The Power of Identity: The Information Age: Economy, Society, and Culture Volume II* (London: Blackwell) 2004 p.304. Here, nodes are understood as 'locations of knowledge, capacity and resources that can be deployed to both authorize and provide governance.' Definition taken from: Clifford Shearing, 'Thoughts on Sovereignty' *Policing and Society* 12(1) 2004 p.6.

[186] David Held, Andrew McGrew, *Governing Globalization: Power, Authority and Global Governance* London, Polity Press, 2004; James Rosenau, 'Toward an Ontology of Global Governance' in *Approaches to Global Governance Theory* (eds.) Martin Hewson, Timothy Sinclair, New York, State University of New York Press, 1999.

interconnected in order to authorise and/or provide security,'[187] security networks provide a tool to describe and analyse the way multiple security actors interact with one another within and across Iraq. Second, the term 'security network' is used to refer to the hybrid security actors created when an auspice (either public or private) hires a private security company to implement a security governance program. These hybrids are simultaneously networks—insofar that they are comprised of two or more actors— and yet are also security actors in their own right and can be discussed in terms of an individual unit involved in security governance. These actor/networks are referred to as 'hybrid public-private security networks' when a public auspice is connected to a private security company, and 'hybrid private-private security networks' when a commercial auspice is connected to a private security company.[188] Importantly, the hybrid security network created by this auspice-PSC linkage is identified as a new *process of security governance* that disrupts traditional identities and patterns of public and private roles and security responsibilities. As a new security *actor*, hybrid public-private security networks also blur the institutional division between the public and private.

The security network concept has two further theoretical purposes for the study of private security. First, security networks are used to help articulate the way this dissertation's security governance framework interprets private security's interaction with the state, authority and territory. Second, the security network concept is used to help articulate the question of *power* implicit within the idea that security governance is shifting from a state monopoly into a multi-lateralized network of public and private auspices and private security companies. Without completely eschewing observations

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[187] Benoit Dupont, 'Security in the Age of Networks' *Policing & Society'* 14(4) March 2004 p.78.
[188] This terminology is occasionally truncated to hybrid security network, or hybrid security actor, when it has previously been made clear that either a hybrid public-private or private-private security network is being referred to.

regarding the *transfer* of power from the state to private security companies in the realm of security governance, this chapter nevertheless moves away from a strictly binary and zero-sum reading of power that interprets private security's growing role in security governance in Iraq as *ipso facto* a loss of power for the state. Instead, this chapter emphasizes how hybrid public-private security networks complicate the very notion of power transfer from the state to the non-state—and from the public to the private—and instead posits 'not so much a "retreat" of the state, as its reformulation.'[189]

The rest of this chapter is divided into seven sections. The first three sections briefly discuss how this dissertation's security governance framework approaches the *state*, *territory*, and *authority* with specific reference to how each concept is disaggregated and transformed by security networks in Iraq specifically. The fourth section addresses the power relations between the 'state' and private security. First, it discusses the utility as well as some of the problems of measuring the *relative* power of the state and private security in Iraq when both of these actors are implicated in hybrid public-private security networks. Second, it emphasizes the possibility of moving beyond zero-sum power analyses by adopting a neo-Foucauldian reading of power. This approach highlights important effects on the production of security governance left invisible by a strictly zero-sum power analysis of state/private security power relations.

The fifth section adds empirical detail to the first three sections by mapping the various networked relationships between public and private auspices and their PSC implementing partners. Finally, the chapter concludes with two detailed case studies of hybrid public-private security networks selected for their significant size and functional scope in the security governance of Iraq. The first in-depth case study focuses on the massive 16,000 strong private guard force created by the PSC Erinys to protect Iraq's

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[189] Nicholas Dorn and Michael Levi 'European Private Security, Corporate Investigation and Military Services: Collective Security, Market Regulation and Structuring the Public Sphere' *Policing& Society* 17(3) 2007 p.214.

oil infrastructure. The second in-depth case study looks at the PSC Aegis' role in creating and running an Iraq-wide networked surveillance mechanism under the auspices of the US military designed to monitor private security companies operating in Iraq. Both case studies provide a detailed map of these hybrid public-private security actor/networks, as well as their networked relationships to other security actors operating in Iraq. However, each case study applies a different theoretical approach to power in order to highlight different aspects of private security's relationship to the state and security governance more generally. First, the Erinys case study applies a more conventional reading of power as a *capacity*, and analyses the power effects of a state strategy of 'rule at a distance'[190] where a state auspice 'steers' or manages a security governance program while a private security company 'rows' or implements it. In contrast, the Aegis case study draws on a neo-Foucauldian *relational* understanding of power to describe the way in which state strategies of rule at a distance are predicated upon new mentalities, rationalities and techniques of security governance. Crucially for this dissertation's dialogue with Realist thought, while power may be *transferred* between states and private security, this is not done in a simple zero-sum fashion. While state power may be undermined or consolidated by these processes, their effects are typically contradictory; more importantly, these transformations do not simply affect state power, but instead are constitutive of broader changes for security governance itself, both inside and outside of the state.

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[190] The notion of 'rule at a distance' is a common conception within security governance literature. The nautical metaphor is taken from David Osborne and Ted Gaebler *Reinventing Government: How the Entreprenerial Spirit is Transforming the Public Sector* (New York: Plume) 1993. For its application to the study of private security, see Les Johnston, *Policing Britain* p.158-63.

3.2 *Iraq, Private Security and the 'State' as a Unified Bureaucratic Security Institution*

By definition, studies of private security that take a security governance approach document the dispersal of security roles and responsibilities away from the state towards non-state actors.[191] Unique within the literature on private security in IR, this study of private security in Iraq expands this emphasis on the dispersal and fragmentation of security governance to the institution of the state itself.[192] It discards the notion that the totality of private security services performed for the myriad agencies within the state is best analysed in terms of a unified state actor. Instead of understanding these governmental departments and sub-agencies as organized into a hierarchical, centralized, and singular state, this security governance framework emphasizes the horizontal, decentralized, and multi-nodal structure of security governance located at the level of the state's various sub-agencies. This approach allows for a clearer understanding of how private security has penetrated and infused itself at multiple levels and at various sites within the state. In doing so, this security governance approach also illustrates how various agencies and sub-departments—by authorising and managing their individual security requirements and hiring PSCs to implement them—have become important quasi-independent auspices of security governance within Iraq. Instead of a unitary-actor model that presupposes a unified state management of private security, this security governance framework sheds light on the more fragmented and networked interactions between different governmental auspices and their private security partners operating in Iraq. Furthermore, this opening up of the state into

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[191] Elke Krahmann, 'Conceptualizing Security Governance' *Cooperation and Conflict: Journal of the Nordic International Studies Association* 2003.

[192] While the other studies of private security in IR have referenced private security's interactions with sub-state agencies (such as the US Army), it has not been done to emphasize a theoretical shift away from the state as a unitary actor towards a security governance approach that sees the state as a container of multiple public auspices for hybrid public-private security networks. For instance, see Deborah Avant's treatment of the US military's outsourcing of Reserve Officer Training Corps training to the PSC MPRI in *Market for Force* p.116-20.

multiple and decentralized auspices also lends itself to a more subtle analysis of hybrid public-private security networks created when state sub-agencies build partnerships with private security companies. It also emphasises the contingent, fluid and increasingly blurred boundaries between the 'public' and the 'private' when state agencies combine with private security companies to implement their policy programs.

3.3 *Iraq, Private Security and the 'State' as a Unified Territory*

Coterminous with the 'flattening' of the bureaucratic institution of the state into a series of semi-autonomous agencies, instead of viewing the territory of Iraq as a single and contiguous unit governed from a single site, this approach identifies the territory of Iraq as divided into a series of loosely independent and localised patchworks of security governance. Iraq is seen as a territory or space within which a multiple and diverse set of public and private auspices interact with, and rely upon, private security companies to implement their political programs. The term 'political programs' is used here advisedly to both engage with and critique the understanding of territory in Realist sociological discourse. On the one hand, it accepts the Realist notion that politics is about rule, and that a system of rule is comprised of legitimate coercive domination over a given territorial extension.[193] On the other hand, this study rejects on empirical grounds the Realist sociological differentiation between private security governance and 'state' (public) security governance in terms of a timeless, immutable and intrinsic relationship to territorially organized legitimate violence where private security is always limited spatially (i.e. it is always local), limited in duration (i.e. it is always

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[193] This point was discussed in the first chapter. As a reminder, Max Weber writes 'A "ruling organization" will be called political insofar as its existence and order is continuously safeguarded within a given *territorial* area by the threat and application of physical force on the part of the administrative staff.' Max Weber, Economy and Society vol. I. 1978 p.54-6 [emphasis his]; See also Anthony Giddens, *A Contemporary Critique of Historical Materialism* vol.1 (Berkley: University of California Press) 1981, p.45.

temporary), and limited in function (i.e. what security role it can perform) while public security's relationship to each of the categories is understood in terms of a *timeless monopoly*.[194] Within Iraq, as this chapter will demonstrate, the degree of private security's coercive control over Iraqi territory and its populace precludes the easy categorization of the public and the private along these lines. Contrary to Realist sociological discourse, rather than private and public security actors having a set of clear and static security governance responsibilities territorially differentiated respectively along the lines of public and private space, much of the territory within Iraq has been subject to networked, simultaneous, and overlapping security governance by private and public security actors, with private security involved in the securing of public space and vice-versa. In these instances, the state cannot be assumed to be at the territorial 'centre' in this security governance network; rather, its role must be investigated in its contingent relationship to the other security actors across the territory.[195] Moreover, and in line with the broader processes of globalisation, these security networks have not been contained within the territory of Iraq. Instead, territory's relationship to security governance has been reconfigured through global/local processes and transnational private security actors whose decisions made in one corner of the world have an immediate and politically significant effect on the organisation of violence in another far-flung locale.[196]

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[194] This is a recap of the discussion of territory in chapters one and two. For an excellent example of a discussion of the differentiating features of state versus private violence as it pertains to rule (i.e. security governance in my terminology) along the lines of space/territory, duration and function from the perspective of Weberian realist sociology, see: Giafranco Poggi, *The State: Its Nature, Development and Prospects*, (Palo Alto: Standford University Press) 1990; also see Giafranco Poggi, *The Development of the Modern State: A Sociological Introduction*, (Palo Alto: Stanford University Press) 1978.

[195] Les Johnston and Clifford Shearing, *Governing Security: Explorations in Policing and Justice* (London: Routledge) 2003.

[196] In just one of many examples, the multinational UK-based PSC ArmorGroup created a redundant 24-hour management centre in South Africa to monitor the movements of all of its security vehicles operating in Iraq. Email correspondence, Patrick Toyne-Sewell, ArmorGroup. 2008; See also Les Johnston, *The Rebirth of Private Policing* (London: Routledge) p.195; Peter Gill 'Not Just Joining the

3.4 *Iraq, Private Security and the Fragmentation of 'State'[197] Authority*

This study of private security in Iraq acknowledges a difference between the state's authoritative claims regarding security governance—understood in terms of the state's legislative powers and the scope of its legal jurisdiction—and other auspices of private security.[198] However, in line with global governance theorists, this study also postulates that by refusing to theorise a diffusion of authority away from the state, state-centric interpretations of authority have become increasingly incapable of mapping the changing nature and 'site' of authority as well as the role of private actors in security governance. With 'a lack of appropriate theoretical concepts' for this dispersal of authority[199] and an *a priori* and ontological commitment to understanding authority as monopolised by the state,[200] state-centric models have blinded analysts to the changes in the actual practice of the multi-lateralised authorisation of security governance.

Moreover, as this study of private security governance in Iraq demonstrates, the state's meta-political authority can be more conditional and fragmented than traditionally assumed within state-centric discourses. Coterminous with this study's deconstruction of the bureaucratic institution of the state into a series of semi-autonomous units, political authority in Iraq operated in such a way that a host of 'multiple US government

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Dots But Crossing the Borders and Bridging the Voids: Constructing Security Networks after 11 September 2001' *Policing & Society* 16(1) 2006 p.30.

[197] In this chapter the 'state' refers interchangeably to the Coalition Provisional Authority, its parent entity the United States federal government, and the government of Iraq. It is beyond the purview of this thesis to offer a study of the change in 'stateness' embodied in the legal transfer of sovereignty that took place between the CPA, the United States, and the Iraqi government in 2004. Suffice it to say that this transfer simply added another layer to the already complex fragmentation of 'state' and public authority over security governance within Iraq between 2003 and 2007.

[198] Jerome Ferret, 'The State, Policing and "Old Continental Europe": Managing the Local/National Tension', *Policing & Society* 14(1) 2004.

[199] Elke Krahmann, 'Conceptualizing Security Governance', *Cooperation and Conflict*, p.11.

[200] Clare Cutler, Virginia Haufler, Tony Porter (eds.) *Private Authority and International Affairs*, (Albany: State University of New York Press) 1999 p.16-22.

agencies possess[ed] overlapping jurisdictions' and responsibilities to act as auspices for private security companies.[201]

Simultaneously, this dispersal of legitimate authority over security governance was not simply limited to the various agencies that comprised the US government. Instead, as PSCs entered Iraq in the early months of the Coalition occupation with contracts from various international and foreign Coalition government agencies, they did so under the auspices of these other states and International Organizations. Prior to any system of licensing or registration of PSCs by the Coalition Provisional Authority (CPA), and without any directives to administer a centralized authorization process for PSCs operating in Iraq, CPA officials simply recognized the status of Coalition partner foreign governments and International Organizations to act as auspices for private security firms. In the words of one CPA official responsible for managing CPA PSC oversight at the time, the fact that these private security companies worked for allied foreign governments and International Organizations *'was their authority.'*[202] In other words, authority over security governance in Iraq was dispersed to other public governmental auspices *above* (i.e. IOs) and *outside* (i.e. to allied Coalition governments) of the CPA.

Crucially, this quote suggests that in practice the meta-political authority over security governance within Iraq wielded by these actors was not always derivative of authority granted to them by the CPA; rather, this authority existed independently from the CPA and was located within other public institutions operating within Iraq. This observation that private security may find sources of meta-political authority to legitimately implement a security governance program within a state's territory without directly

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[201] See the Special Inspector General for Iraq Reconstruction, 'Iraq Reconstruction: Lessons in Contracting and Procurement'. www.sigir.mil/reports/pdf/Lessons_Learned_July21.pdf Access 09/07/08.

[202] Lawrence Peter, former CPA official. Telephone interview. Baghdad, May 18 2008.

appealing to this state's government provides an important avenue of critique of overly rigid and static interpretations of the state-authority-territory relationship.[203] Moreover, this situation of overlapping jurisdictions also continued and was made even more complex during the transition from CPA administration to Iraqi sovereignty. Even after the official handover of sovereignty, 'the *actual* extent of the interim government's sovereignty—or its lawful control over its own territory to the general exclusion of other states—[was] unclear, as [were] the continuing coalition responsibilities.'[204]

Finally, the state's authority has itself been a source of the dispersal of security governance to multiple public and private auspices. The role of private security in Iraq perfectly illustrates the observation that the authority of the state has often been 'utilized to promote and enable the emergence of auspices of governance that operate outside of state structures and state direction.'[205] In Iraq, this was accomplished via various CPA Orders, public notices and Memorandums that officially empowered multiple public and private sector actors to hire PSCs.[206] Indeed, these CPA legal dictates even dispersed official responsibility for the enforcement of CPA regulations governing PSCs to these other actors.[207] In short, between 2003 and 2007, PSCs in Iraq operated in a complex and shifting environment that contained multiple nodes of authority whose jurisdictions were often less than clearly delineated. From the perspective of a security governance framework, rather than treating the state as a unified authority, security governance within Iraq was authorised by the various public nodes or agencies from multiple states

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[203] The analytical ramifications of this observation will be developed in greater detail in chapter five.

[204] Kenneth Katzman, Congressional Research Service Report for Congress; 'Iraq: Transition to Sovereignty' p.5. http://fpc.state.gov/documents/organization/39337.pdf July 21, 2004. Emphasis in original.

[205] Clifford Shearing, 'Thoughts on Sovereignty' pg. 9.

[206] See CPA 'Public Notice Regarding the Status of Coalition, Foreign Liason and Contractor Personnel' June 26 2003; See also CPA Orders 3, 5, and 17.

[207] Rather than providing a unified or centralized punitive enforcement mechanism, CPA regulations stipulated unlawful acts committed by private security personnel were to 'remain subject to the exclusive jurisdiction of the State contributing them to the Coalition.' See CPA document: 'Public Notice Regarding the Status of Coalition, Foreign Liaison and Contractor Personnel' June 26 2003.

that relied upon their own meta-political authority to manage and promote the self-organization of security networks as well as to devolve responsibility for security governance to a host of autonomous public and private actors. While the CPA still provided a meta-political legal backdrop against which this dispersal of authority over security governance was initiated, the overall 'authority architecture' within Iraq was both fragmented and constantly shifting.[208]

3.5 Beyond a Realist Zero-Sum Reading of Power for the State and Private Security in Iraq

A number of studies of the effects of security privatization in Iraq have interpreted the growth of private security's role in security governance as *ipso facto* a loss of state power and control over armed force.[209] Indeed, by emphasizing a shift in security governance from a single unified actor (the state) towards a multitude of non-state actors, this chapter's security governance approach partially participates in a discussion of the loss of state power due to processes of security privatization. However, rather than relying upon such a binary and zero-sum approach, this study uses two alternative models for discussing the power relationship between private security and the state.

The first applies a 'new sociology of governance'[210] reading of power that discusses the complex and contradictory ways that power gets transferred from one node to another

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[208] This observation comes from scores of interviews and more casual conversations with private security company personnel—and a smaller number of CPA and other government officials—that worked in Iraq during this period.

[209] In one rather exceptional example of this, a recent study of private security in Iraq states '[a]ccording to our typology, state wrecking is triggered by security outsourcing.' See Jorg Friedrichs and Cornelius Frisendorf 'State Wrecking: The Consequences of Private Force in Iraq', Paper presented to the International Studies Association, San Francisco March 26-9 2008 p.5; See also Christopher Spearin, 'American Hegemony Incorporated: The Importance and Implications of Military Contractors in Iraq' *Contemporary Security Policy* 24(3) 2003 p.36.

[210] Ian Loader uses this term to describe the more traditional sociological approaches to mapping power transfers in networks more generally, and to differentiate these approaches from neo-Foucauldian governmentality approaches to the study of policing. See Ian Loader 'Plural Policing and Democratic Governance' *Social & Legal Studies* 9(3) p.330.

when these actors are organized into hybrid security networks. For example, while this approach does discuss some of the ways power is transferred *between* private security and the public auspices responsible for directing its implementation of security governance, it also emphasises the contradictory power effects of this process rather than any simple 'loss' or 'gain' or power by any of these nodes within the hybrid security network. This new sociology of governance approach brings attention to the concept—and contradictory power effects—of 'rule at a distance,' exemplified by hybrid public-private security networks where the public auspice retains the responsibility for 'steering' policy while private security has the responsibility of 'rowing' or implementing this policy.[211] This new sociology of governance approach is also used as a lens for analysing what Clifford Shearing has called 'beyond rule at a distance'; namely, the use of private security by private auspices where the state is removed from the direct authorization or implementation of security governance altogether.[212] Ultimately, this reading of power focuses on the way new, networked, and hybrid techniques of security governance are causing the public-private distinction to lose relevance both conceptually and empirically, rather than focusing solely on whether or not (and how) the state or private security 'gains' or 'loses' power.

This chapter has also incorporated a neo-Foucauldian[213] reading of power that moves beyond power measured as the capacity of one actor against another (such as the 'state' versus private security) towards a focus on the *relational* character of power dynamics.

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[211] While this zero sum model can be usefully applied to hybrid public-private security networks, it must be stressed that their 'hybrid' nature also complicates the task of attempting to measure the contradictory effects of this transfer of power.

[212] Clifford Shearing, 'Thoughts on Sovereignty' p.9.

[213] The term neo-Foucauldian refers to the work by authors such as Nikolas Rose and Pat O'Malley and to a lesser extent Clifford Shearing who have explicitly or implicitly drawn on Foucault's governmentality literature in their analysis of neo-liberal rationalities of security governance. See Nikolas Rose and Peter Miller, 'Political Power Beyond the State: Problematics of Government' *British Journal of Sociology* 43(2) 1992; Nikolas Rose, 'Government and Control' *British Journal of Criminology* 40 2000; Pat O'Malley, 'Risk, power and crime prevention', *Economy and Society*, 21(3) 1992; Pat O'Malley, 'Policing, Politics and Postmodernity' *Social and Legal Studies* 6(3) 1997.

This focus on power understood as a governmental process illustrates certain aspects of security privatization left otherwise unexplored by other power analyses. Through a neo-Foucauldian lens, rule at a distance within Iraq (and the security privatization in Iraq this entails) is understood as a technique of security governance undergirded by a particular mentality of how security governance ought to be arranged. Thus, rule at a distance is interpreted as a historically contingent—and specifically neo-liberal—rationality of security governance predicated upon new forms of knowledge, actor identities and action-orientations that make certain changes in security governance *possible* in the first place. Through this method of power analysis, an attempt to measure the power of one actor over another is replaced with two alternative measurements of power: the first focuses on actor *identities* and the second on particular *techniques* of security governance.

Overall, within this neo-Foucauldian approach, power is not conceptualised as a capacity held by actors; instead, power is understood as operating relationally between actors. For instance, power is understood to be located within the discursive construction and re-construction of actor identities; this process, in turn, re-defines new security roles for different actors, and re-defines what types of approaches to security are seen as appropriate in the first place. Using a neo-Foucauldian interpretation of neo-liberal policies of state outsourcing, this chapter argues that a neo-liberal governmental *rationality* operated within Iraq that ultimately re-defined the *identity* of civil society as both an *object* and a *subject* of security governance.[214]

In other words, instead of viewing civil society simply as an 'object' to be secured (via the centralized security apparatuses of the state), a new neo-liberal rationality allowed civil society—comprised of the various non-state actors engaged in the Iraq

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[214] To see how these concepts are applied to a similar interaction between the state and another set of non-state actors, see: Ole Jacob Sending and Iver B. Neumann, 'Governance to Governmentality: Analyzing NGOs, States, and Power' in *International Studies Quarterly* 50(3) 2006.

reconstruction effort—to be reconceptualised as a set of autonomous subjects both *responsible for* and *capable of* securing themselves. Within Iraq, this ideational process re-directed security governance towards the private sector and was responsible for reconfiguring how security should be governed, by which actors, and to what ends.[215] The fact that this process of 'responsibilization' had serious practical ramifications for the way security was governed in Iraq during this period is provocatively illustrated in the following excerpt taken from a CPA website listing questions from reconstruction vendors regarding their requirements to provide their own security force:

Contractor Question: 'What are the rules of engagement for our security forces? Will we be able to engage citizens in the event of perceived threat or hostile activities? Can we shoot to kill if warranted to do so?'

CPA Answer: "The following questions and answers are offered solely as a means of conveying general information to prospective offerors. The answers should not be construed or relied upon as legal advice. Prospective contractors must consult with their own legal counsel in order to receive *authoritative* advice concerning their rights and liabilities under applicable law."[216]

This exchange demonstrates the degree to which governmental auspices within the CPA operated within a neo-liberal rationality that had re-defined the identities (and re-constructed the practices) of non-state actors in such a way that *normalized a radically new security governance role for private security companies and the private sector as a whole*. Not only had the private sector been re-defined as capable of providing its own security—but as seen in the quotation above—it had also been extended the

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[215] Anna Leander and Rens van Munster discuss a similar process in 'Private Security Contractors in the Debate about Darfur: Reflecting and Reinforcing Neo-Liberal Governmentality' *International Relations* 21(2) 2007 p.203.
[216] Emphasis added. This clearly also speaks to the issue of fragmented authority over security governance in Iraq. See CPA website. http://www.rebuilding-iraq-sso.net. 10/09/2004.

responsibility of turning to its own legal efforts to understand its newly acquired role as an authority of security governance.

This neo-liberal rationality that creates the impetus for 'responsibilising' civil society (i.e. civilian reconstruction workers) with providing its own security was also evident in the State Department (DoS) to refusal to give these workers advice on which private security companies to hire on the explicit grounds that it did not want to take responsibility for, or incur, any legal liability for their selection of security provider.[217] In line with a neo-liberal rationality that views the private sector as more 'efficient' than the public sector, the DoS also stipulated that it was unlikely it would be able to provide these civilian contractors with more efficient criteria for selecting private security than they could come up with on their own.

The extent to which the practice of 'responsibilising' individuals for providing their own security was tied to neo-liberal rationality's belief in individual initiative and the superior efficiency of the market is described by Pat O'Malley when he writes:

'Better understood as prudentialism, it is a construct of governance which removes the key conception of regulating individuals by collectivist risk management, and throws back upon the individual the responsibility for managing risk. This may be advocated by its supporters as "efficient", for individuals will be driven to greater exertion and enterprise by the need to insure against adverse circumstances—and the more enterprising they are, the better the safety net they can construct'.[218]

Here, then, a neo-Foucauldian power analysis replaces a Realist emphasis on the *relative power* of security actors—or the relative efficiency of a particular security practice—with an alternative project of locating and identifying the neo-liberal

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[217] 'Rebuilding Iraq: Actions Still Needed to Improve the Use of Private Security Providers' US Government Accountability Office GAO-06-865T June 13 2006 p.14. http://www.gao.gov/new.items/d06865t.pdf Accessed 05/08/08.

[218] Pat O'Malley, 'Risk, Power and Crime Prevention' *Economy and Society* 21(3) 1992 p.161.

discourses by which actors and practices are constituted as 'efficient' providers of security in the first place.

Second, a neo-Foucauldian study of neo-liberal rationality identifies various techniques of rule at a distance—not in terms of a simple and instrumental technique of state 'steering' and private sector 'rowing'—but rather in terms of a specific and historically situated technique or practice of indirect governance. These neo-liberal techniques of governance involve a shift away from direct and coercive governance technologies towards 'technologies of agency' that works *through* rather than *on* civil society.[219] Specifically, this form of neo-liberal power operates by getting individuals to 'freely' align their behaviour with the political ends imposed on them via a series of indirect constraints and positive inducements that shape their choices and limit their actions. In other words, while it was demonstrated above how neo-liberalism re-defined the identities of the civilian reconstruction contractors as responsible and capable of providing their own security, neo-liberal rationality *simultaneously* compelled these actors to conduct this responsibility within an appropriately constrained model of action. In Iraq, neo-liberal rationality's emphasis on the 'conduct of conduct' involved various forms of enforced self-regulation[220] to compel and otherwise persuade non-state actors to freely adopt preventative private security measures. The conferring of entitlements, the co-opting of private interests and the technique of re-defining the continued provision of government security services to non-state actors as contingent upon their 'appropriate' implementation of private security initiatives were all present in Iraq as *a specifically neo-liberal rationality of indirect security governance*. Furthermore, these specific techniques of neo-liberal security governance implicated these non-state actors

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[219] Ole Jacob Sending and Iver B. Neumann, 'Governance to Governmentality: Analyzing NGOs, States and Power' *International Studies Quarterly* 2006 50(3).

[220] For another use of this concept, see: Adrian Cherney, Juani O'Reilly, Peter Grabosky, 'Networks and Meta-regulation: Strategies Aimed at Governing Illicit Synthetic Drugs' *Policing & Society* 16(4) 2006.

in government auspice-led security goals. As a result of this paradoxical process of empowering non-state actors to participate in security governance while simultaneously exposing them to indirect techniques of control, the cumulative effects of this transformation are not viewed as an *a priori* loss of state power, but rather as a complex process with contradictory results for state power at different times and localities.

In the last section below—in the two primary case studies discussing major security contracts held by the PSCs Erinys and Aegis—both a 'new sociology of governance' reading of power as well as a neo-Foucauldian conceptualization of power will be used to investigate the power relationships inherent within these hybrid public-private security networks. Prior to this, however, the next section will provide an empirical investigation of the actual dispersal of security governance within Iraq.

Part II.

3.6 *Fragmented Security Governance in Iraq: Multiple Auspices and Private Security*

Without question, Iraq has evolved into the flagship case for the analysis of the expanding and evolving role of private security companies in global politics. This is first and foremost due to the sheer unprecedented quantity and quality of private security operations that have taken place inside the country. In terms of numbers, in a salient nod to the fragmented nature of security governance in Iraq, there is no centralized and unified governmental database (even for PSCs working on US government contracts) that maintains statistics on the number of private security personnel or the number of PSCs working in Iraq.[221] Nevertheless, the numbers that do

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[221] Accurate quantitative data on the size of the PSC sector in Iraq is still piecemeal at best. The size of the private security industry as a percentage cost of the total Iraqi reconstruction effort has been estimated at between 16 and 22 percent. See Dept of State, Report to Congress, Section 2207, Report on Iraqi Relief and Reconstruction, January 2006. By 2004, the estimated cost of private security provision to the

exist have been revealing. According to Lawrence Peter, the head of the Private

Security Company Association of Iraq, by March of 2006 there were 181 PSCs

operating in Iraq with approximately 48,000 employees, a number greater than any

military coalition force with the exception of the US military.[222] Though explicitly

prohibited via CPA regulations from playing a direct role in offensive combat

operations, in qualitative terms the content of these security services have been dictated

by the level of violence within which they operated. Clients and contracts alike have

stipulated the use of fleets of armoured cars and automatic rifles carried by a

combination of western, third country national, and Iraqi security personnel for services

including bodyguard and personal security details, armoured taxi services, armoured

convoy security, and the 'static' guarding of buildings and other property. Many

security contracts in Iraq have contained a 'security umbrella' or 'life support' aspect

that required a private security company to provide a combination of these security

functions to the client for the duration of the contract.

The media's characterisation of private security in Iraq as a singular private security

force ostensibly regulated by a centralized administrative body, however, masks the

extent to which private security in Iraq has operated as a set of discrete, operationally

unconnected yet loosely networked security actors under a wide variety of public and

private auspices. Rather than viewing private security in Iraq from the perspective of a

unified industry's relationship to the 'state,' the following section provides an

exploration of the myriad types of auspice-implementer relationships that existed

between customers of private security in Iraq and the private security companies that

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reconstruction effort alone was placed at seven billion dollars. See 'security fears, costs are roadblock to rebuilding' *Stars and Stripes* August 14 2005.

[222] See the Government Accountability Office GAO report 'Rebuilding Iraq: Actions Still Needed to Improve the Use of Private Security Providers: www.gao.gov/new.items/d06865t.pdf. It should be noted that this number of armed private security guards, while larger than every non-US military Coalition force that operated in Iraq, did not constitute a single and coherent security force along the lines of British military's Coalition contingent.

provided this service. The following discussion also adds a level of descriptive detail to the claim that private security contributes to the fragmentation of the state, territory and authority as it relates to security governance in Iraq.

3.6.1 *Public Auspices 'Within the State' and Private Security*

One of the central features of the role of private security companies in contemporary security governance highlighted by events in Iraq has been the dispersal of responsibility for the provision of security away from traditional centralized state security institutions (military and police) to multiple governmental agencies within the state. This dispersal has been extremely broad and has included many agencies not typically associated with either fieldwork in overseas warzones or the governance of armed security forces. In one such example, the US Justice Department was forced to rely upon the services of a private security company to protect a team of investigators conducting work at an Iraqi mass gravesite.[223] At the other end of the spectrum, state agencies typically associated with the professional application of armed force—such as the military and intelligence agencies—have also contracted with private security and various military departments and agencies have been significant customers of private security. In the intelligence field, both the Central Intelligence Agency and the National Security Agency have hired the PSCs Blackwater Worldwide and MVM for security services in Iraq.[224]

As will be elucidated in greater detail with case studies in the following chapter, within the United States federal government this responsibility has even been devolved down to the sub-agency level, where various sub-agencies have been required to

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[223] Siobhan Gorman and August Cole, 'Iraq Case Sheds Light on Secret Contractors' *Wall Street Journal* July 17 2008 p.1.
[224] Ibid.

independently source and manage private security for their agency's security needs in Iraq.[225] For example, though ostensibly part of the same federal department and operating in the same Iraqi space, the State Department's Bureau of Diplomatic Security (DSS) and its Office of Weapons Removal and Abatement have *both* relied upon and managed separate private security companies to provide security for their Iraq projects. Moreover, they did so under separate contacts completely independent from one another and absent of any coordination between the two sub-agencies.[226]

While formal meta-political authority over these various State Department sub-agencies and their interactions with their private security contractors remained centralised via the State Department's Regional Security Officer in the Baghdad Embassy, the practical control over these PSCs—from the contract bidding process to the operational design of the security service to the daily management and oversight of the PSC—remained almost exclusively in the hands of each sub-agency auspice. Indeed, this devolution of authority over security governance is so complete that in many instances the government department as a whole does not even have a centralized database of what private security contractors it has contracted under its various sub-departmental auspices. Instead, this information—and the control—remains compartmentalized at the sub-agency level where the security contract was let. This is a key reason for the fragmentary information available on the number of security contractors in Iraq, and helps to empirically document the fragmented nature of security governance within the state bureaucratic apparatus itself.[227]

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[225] 'Rebuilding Iraq: Actions Needed to Improve Use of Security Providers' July 2005 p.3 http://www.gao.gov/new.items/d05737.pdf

[226] Telephone interview, Dennis Hadrick. State Department Office of Weapons Removal and Abatement September 20 2007.

[227] This is common amongst government agencies from numerous countries. The UK's Foreign and Commonwealth Office, for example, has devolved its diplomatic security budget down to the Embassy level and has no centralized mechanism for monitoring or collating how many or which Embassies hire private security firms to supplement their security. Written correspondence between the author and the FCO, May 12, 2000.

While communication and coordination between sub-agencies of the *same* federal government agency (and between a sub-agency and its 'head' office) was often limited in Iraq, communication and coordination relating to their respective private security operations *between* federal departments was often antagonistic. For example, a competitive relationship between the Pentagon and the Department of State hindered collaboration on a Department of Defense (DoD) led initiative to create a unified authority over PSCs under contract to the United States government designed to be managed by the Pentagon. Viewing this DoD proposal in terms of an inter-bureaucratic struggle and an effort by the DoD to gain control over State Department assets, the State Department flatly rejected the proposal and maintained it needed to keep operational control over its private security assets in Iraq.[228] This stance by the State Department directly contributed to a status quo in Iraq that left each federal government agency exclusively responsible for the management and oversight of the private security operators it had contracted. This also explicitly highlights the multiple lines of authority within the US government over private security in Iraq and the increasingly flattened and compartmentalized structure of security governance within the state itself.

This particular dispute also sheds light on the practical difficulties involved in attempting to quantify the amount of power or control 'lost' or 'gained' when state agencies outsource security functions to the private sector. Whereas the Pentagon viewed the dispersal of control over security providers via the multiplication of sites of authority over private security to other agencies not traditionally associated with security governance in terms of a *diminution* of state security governance, the State Department viewed it simply as a *redistribution* of security governance to a series of

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[228] Eric Schmitt, 'Pentagon Wants One Authority Over Contractors In Iraq' *International Herald Tribune* 17 October 2007. Other federal agencies also relied on PSCs for private security in Iraq. USAID, for example, maintained an independent security contract to protect its personnel and property with the PSC Kroll.

alternative sites within the bureaucratic apparatus of the state. Indeed, the State Department argued that far from diminishing state control, its contracted private security agents provided the means for an *extension* of its (and thus state) power to implement its political programs.

3.6.2 *Foreign Diplomatic Liaison Auspices and Private Security*

Foreign states and their agencies were also given considerable authority to act as independent auspices of private security in Iraq. Though these foreign government auspices would be legally obligated to operate within the broad outlines of various CPA regulations governing private security contractors, the practical oversight of these private security contractors was the responsibility of the foreign missions themselves. Furthermore, Diplomatic and Consular missions were given the authority to bypass any evolving governmental PSC licensing or registration process by issuing a letter of certification to the CPA/Iraqi Ministry of the Interior requesting that its contracted PSC be allowed to conduct its security duties without waiting for an operating license via the often slow, corrupt and laborious Ministry of the Interior PSC authorization process.[229]

By 2004, the Coalition Provisional Authority had authorized at least 35 different foreign diplomatic missions to enter into and execute contracts for security services with private security firms.[230] These contracts would either be put in place by a government agency prior to entrance in Iraq, or on a more *ad hoc* basis by locating a PSC operating in the country after a foreign diplomatic agency had already entered into Iraq. This latter process of hiring a PSC after a diplomatic mission had already entered into Iraq often occurred when it found (occasionally to its surprise) that its offices and the overall life

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[229] See CPA Memorandum Number 17 Section 10, 26 June 2004.
[230] See CPA Memorandum 5, August 22 2003.

support of its personnel, even if they had been seconded to the CPA, would not have adequate security provided to them by the Coalition.[231] In a typical example, the United Kingdom's Foreign and Commonwealth Office hired the PSCs Control Risks and ArmorGroup to provide its personnel and its government offices with security during its operations in Iraq.[232] At the same time, the United Kingdom's Department for International Development (DfID) spent over 38 million pounds sterling between 2003 and 2007 hiring Control Risks, ArmorGroup and Kroll for security services provided for its Iraq operations.[233]

These types of arrangements contributed to the creation of small patchworks of spaces or territories throughout Iraq whose security was provided and independently managed by these types of hybrid public-private networks. Often, a single contract could result in the public-private security governance of multiple micro-sites. For example, in one contract between the Japanese government and the PSC ArmorGroup, the security firm was required to safely deliver and then secure a network of 20 separate sites for mobile electricity substations at locations across Iraq.[234]

In each instance these foreign public auspices would be responsible for the oversight of their private security company and the subsequent content of their contracted security service. Moreover, each of these micro-security networks comprised of a public auspice and a private security firm would often be essentially invisible to the centralised governmental authorities within Iraq, or—as will be discussed in the Aegis case study below—visible only to the extent that these actors *chose* to participate in various formal and informal security networks. Often, information about the lack of pro-active

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[231] Interview, Andy Bearpark, Director of Operations and Infrastructure for the CPA. March 2005, London.

[232] 'Q&A: Private Security In Iraq; Concerns continue to be expressed about the role of private security firms operating in Iraq.' BBC News, 27 May 2004. http://news.bbc.co.uk/2/hi/uk_news/3747421.stm

[233] UK Parliament 'Written Answers to Questions', 13 November 2007. See: http://www.parliament.the-stationery-office.co.uk/pa/cm200708/cmhansrd/cm071113/text/71113w0001.htm

[234] See http://www.armorgroup.com/globalreach/asiapacific/asiacasestudies/japan/.

participation by a PSC in various military-run monitoring schemes only occurred after a deadly incident had been reported in the media. For example, a deadly insurgent attack on a civilian convoy guarded by the PSC Crescent Security under contract to the Italian government only became visible to governmental authorities after news of the fatal attack spread.[235]

3.6.3 *International Organisation Auspices and Private Security*

Even prior to the 2003 bombing of the United Nations (UN) headquarters in Iraq, International Organizations such as the UN and what the CPA referred to as 'United Nations specialized and related agencies' were authorized to possess weapons and act as independent auspices of private security firms within Iraq. The list of international agencies given this authority was impressive and just a sample of them included: the Food and Agricultural Organization; the International Civil Aviation Organization; the International Labour Organization; the International Monetary Fund; the World Food Program; UNESCO; the World Meteorological Organization and the World Health Organization.[236] As similarly witnessed with the various state agencies that required private security services, absent an internal security capacity (or with this capacity taxed beyond its limits in Iraq) UN agencies often turned to PSCs for security services. As an example from a detailed case study in the following chapter demonstrates, the UNDP was forced to turn to a private security firm to act as an 'implementing partner' to help it carry out its mission objectives in Iraq.

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[235] According to Jack Holly, Crescent Security did not register the convoy movements of its Italian employers convoys with the Logistics Movement Coordination Center, an organization designed to give the US military an overview of civilian-run convoys throughout Iraq. Telephone interview with Jack Holly, Director of the Logisitics Monitoring Coordination Center, Baghdad, Iraq, 2008.

[236] See CPA Memorandum Number 5 Annex A, dated August 22 2003.

Perhaps a bit ironically, even supranational military organizations such as the North Atlantic Treaty Organization (Nato) entered into independent security contracts with PSCs in order to help secure its operations in Iraq. In an effort to avoid a delay in the construction and operation of a Nato-run military training academy at Al-Rustimayah outside of Baghdad, Nato Ambassadors decided to temporarily rely of the services of a PSC to help them open the facility on time.[237]

In each of these instances, the governance of security was moved upwards away from a centralized state authority to a supra-state auspice *'above the state'* that relied upon private security to implement a protective shield around these auspices' activities in Iraq. This not only demonstrates a new pattern of authority over security and a nexus between private security firms and supra-state auspices. Importantly, because these auspices are supra-territorial in nature, these hybrid public-private (i.e. IO-PSC) security networks also demonstrate a global/local reconfiguration of the way security is organized with respect to territory.

3.6.4 *Private (Commercial) Auspices and Private Security*

This same technique of 'authorising auspices' to govern private security firms extended to the private sector in Iraq as well. Within the corporate sector, the amount of security governance undertaken by private security companies under the auspices of multinational companies engaged in the Iraqi reconstruction effort is staggering. By 2007 literally thousands of individual Iraqi Reconstruction projects were underway across the country. With the cost of this effort upwards of $55 billion dollars, and with some estimates putting the cost of providing private security for these projects as high

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[237] 'Private Firm to Protect Nato in Iraq', *Agence France-Presse*, 4 May 2005.

as 50% of the total value of the contract, the amount of money shifted to PSCs in this period was immense.[238]

The large multinational corporations such as Bechtel, Parsons, Fluor, Perini, and KBR that acted as prime contractors[239] for various governmental agencies like USAID and the US State Department—whom were in turn responsible for allocating these reconstruction funds—each required a massive private security presence for their operations. This typically included a security umbrella service that provided secure facilities for the prime contractor's personnel and equipment, bodyguard and mobile personal security details for movement throughout Iraq, as well as convoy and static security teams deployed during visits to worksites. Depending on the nature of the security contact, this security service might be extended to all of a prime contractor's reconstruction sub-contractors; alternatively, these sub-contractors may have in turn been required to select and employ another layer of sub-contracted private security for their own operations. This process of contractually devolved responsibility to provide one's own security during the reconstruction effort down through various layers of sub-contracting involving potentially dozens of reconstruction agents relying on a half-dozen private security companies—to carry out a single large reconstruction contract—became a common occurrence in Iraq.

It also constituted a system whereby literally thousands of project worksites throughout Iraq—as well as the equipment storage camps and living quarters required for the project—became micro-sites of security governance managed by a partnership between

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[238] Robert Pelton, *Licensed to Kill: Hired Guns in the War on Terror* (New York: Random House) p.106. In one source of funding alone, $18.4 billion in Iraq Relief and Reconstruction Fund money was allocated by the US Congress to be spent on these infrastructure reconstruction work projects. See: http://www.sigir.mil/reports/pdf/audits/05-028_Asset_Transfer_GRD-PCO_FINAL_Report.pdf

[239] 'Prime contractors' were commercial firms—typically construction firms such as Behtel—that were awarded massive contracts worth upwards of hundreds of millions of dollars. These prime contractors would then begin a long process of subcontracting various sections of the work stipulated within these mega-contracts to other firms.

a corporate auspice and its private security provider. Though the duration of security governance at each site varied—and could consist of a long-term or permanent security presence at a project base camp, or a temporary armed security cordon of PSC personnel around a reconstruction team at a project site during the work day—the activities of these corporate-PSC partnerships became significant sources of the dispersed security governance of Iraq. As the miniature case-study below will reveal, occasionally these micro-sites of security governance would be comprised of a very significant security presence indeed.

3.6.4.1 *Securing the Electrical Sector: The Perini Corporation and Hart Security*

In March of 2004 the Project Management Office—a governmental auspice of the CPA—awarded the construction firm Perini a contract worth an estimated $500,000,000 to provide "electrical power distribution and transmission" in southern Iraq.[240] Acting primarily in a managerial capacity, Perini in turn subcontracted the electrical engineering work-requirement for the construction of power utility lines throughout the south of the country to a variety of engineering firms. To oversee the security of this project, Perini hired the PSC Hart Security as its preferred security provider for both its engineering subcontractors as well as for Perini's own in-country management personnel.

Considering the fact that this contact received extremely limited media scrutiny, the actual size of Hart's security operation for the Perini project was staggering. In total, Hart Security employed 3000 security personnel during the course of this single project

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[240] 'Windfalls of War', The Center of Public Integrity.
http://www.publicintegrity.org/WOW/bio.aspx?act=pro&ddlC=45.

for Perini.[241] Following a standard practice for private security companies in Iraq, the majority of this security force was comprised of Iraqis, while the security management component and the managers of individual mission security teams were comprised of western expatriate security personnel. Overall, the security work requirement for Hart's subcontract was complex and required securing the power line infrastructure under construction as well as the equipment and personnel used to build it. For the power lines, this meant placing guards—typically local Iraqis hired expressly for the purpose—along power line routes to protect the concrete power line towers every 200 meters along the grid routes.[242] Securing the workers and the construction equipment involved setting up and securing camps located as near to the actual worksites as possible in an effort to minimize the travel time necessary for the relatively vulnerable convoys of men and materiel.[243] These camps were either temporary secured sites located in the desert, or alternatively involved gaining permission to use space within a Coalition military base. In an example of *ad hoc* and networked cooperation between a PSC and local area Coalition military commanders, Hart Security was given permission to headquarter their Perini project operations out of the Coalition military base Camp Echo and were allowed to set up basic facilities within 'its outermost perimeter walls' to build housing for their Iraqi guard personnel.[244]

The actual electrical reconstruction teams deployed to a given worksite on a given day were themselves comprised of around 20 men and required a static Hart security team of 16 men at the worksite to guard them. Mobile Hart Security Teams were also responsible for guarding the convoys of Perini's subcontracted construction workers as

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[241] Graham Kerr 'Security in Iraq: The Private Security Perspective' *Journal of International Peace Operations* 3(6) 2008 p.18.
[242] Telephone interview Graham Kerr, Iraq Country Operations Officer, Hart Security. 3 June 2008, Cyprus.
[243] Ibid.
[244] Ibid. Iraqi PSC personnel often had problems gaining access to Coalition military bases due to security concerns.

they travelled between their Hart-operated secured campsites and the various and ever-changing project worksites. These convoys were in turn protected by using a dozen or more armed Hart security guards in three to four armoured security trucks. Moreover, Hart also provided a mobile security team for Perini's management visits to these sites.[245]

During the course of this single security subcontract with Perini between 2004 and 2005, Hart Security used thousands of armed private security personnel to operate a network of secured camps from which it dispatched dozens of armed mobile security teams to multiple worksites throughout southern Iraq. As a private security professional, the actual design and planning of this security service—and not merely its implementation—was left largely in the hands of Hart Security management.[246] At the same time, as the client and auspice, Perini itself was given considerable authority and responsibility by the CPA not merely to *manage* Hart Security during the course of this contract but also in effect to *govern* its behaviour. In the words taken from a letter from the Office of the US Secretary of Defence to a member of the US Congress, '*disciplining contractor personnel is the contractor's responsibility, not the CPA's.*'[247] Though Hart Security participated in the ever-evolving CPA and Iraqi government PSC licensing and registration processes—and also interacted with various Iraqi police and military units as well as liaised with Coalition military personnel on an *ad hoc* basis— the day-to-day monitoring of the security activities of Hart, such as it existed, was conducted by Perini. The practical reality of the fragmented—and occasionally

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[245] Ibid.

[246] This was not always the case. Some clients of PSCs had very specific ideas about what they wanted their contracted private security force to do. Typically this was an interactive process involving the PSC and the client. Graham Kerr, Chief Operating Officer Iraq, Hart Security. Telephone interview, 03 June 2008, Cyprus.

[247] Emphasis added. Quote taken from a DoD attachment included in a letter from Secretary of Defense Donald Rumsfeld to Ike Skelton, Ranking Minority Member on the Armed Services Committee. May 4 2004.

privatized—nature of the responsibilities for oversight of private security was summed

up succinctly by Graham Kerr, Hart Security's Chief Operating Officer of Iraq when he

stated *"you are not ruled by the Embassy, you are ruled by your contract."*[248]

This discussion of the different types of auspices and the way they interacted with

private security in hybrid security networks provided a broad context for understanding

the operation of private security and the fragmented nature of security governance

within Iraq. It also used a series of empirical examples to illustrate the way a security

governance model interprets private security's relationship to the state, territory and

authority. The next section is comprised of two case studies that give a rich and detailed

account of hybrid public-private security networks and the forms of power highlighted

by different interpretations of state strategies of rule at a distance.

Part III.

3.7 *Case Study I: The Erinys Oil Protection Force: Introduction*

By way of introduction, a brief description of the organizational state of the CPA—as

well as the nascent Coalition post-insurgency military effort—is necessary in order to

contextualise the role of the PSC Erinys in what eventually became known as the Oil

Protection Force. Stated briefly, as the pre-insurgency phase of the Iraq war wound

down and the formal armed forces of the Iraqi military collapsed, the Iraqi military

divisions that had been assigned by Saddam Hussein to protect the strategically

important oil infrastructure melted away. This process left thousands of kilometres of

oil pipelines and various refineries vulnerable to criminal activity.[249] By June of 2003,

these long stretches of pipeline also began to be targeted by the growing insurgency that

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[248] Graham Kerr, Chief Operating Officer Iraq, Hart Security. Telephone interview, 03 June 2008, Cyprus.
[249] 'Iraq's Pipeline War' *World Pipelines* May 2005. Reprint PDF downloaded from
http://www.erinysinternational.com/downloads/Erinys%20-%20low.pdf

used explosives to destroy the pipelines in an effort to disrupt the economy and thereby undermine the overall reconstruction effort.[250] As a result of this criminal and insurgent activity the Coalition deployed military units to protect a small number of key oil installations as a stopgap measure until military and Coalition officials could find an alternative security solution. In an effort to unburden the military with this 'non-military' guard mission, and with battlefield commanders desperate to reallocate these troops to combat roles, the CPA (via the Iraqi Ministry of the Interior) created the Facilities Protection Service. This hastily recruited and lightly armed Iraqi guard force was deployed across Iraq to act as a first line of defence for Iraqi government buildings and public infrastructure and was broken down into various guard forces that included came to be known as 'Oil Police, Electricity Police, and Port Police.'[251]

With the protection of Iraq's oil infrastructure given strategic priority by the CPA—and with the CPA unsure of the potential effectiveness of the all-Iraqi Facilities Protection Service—the CPA eventually decided to turn to a private security company to take over the task of guarding Iraq's oil pipelines. In August of 2003, in what was the largest private security contract let in Iraq to date, the CPA awarded a $39.2 million contract to the private security company Erinys, effectively outsourcing the creation and management of the 'Oil Police' to the private sector.

Originally this contract required Erinys to hire, vet, train and equip a unified and nationwide 6,500 member security guard force to secure 140 fixed petrochemical facilities located throughout the country. By the end of the contract, however, both the size and the ambit of the operation had expanded considerably. At the end of the operation, Erinys had trained, equipped and deployed over 16,000 Iraqi guards deployed at over 280 sites across the entirety of Iraq. Led by a team of over 100 expatriate

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[250] Neela Bannerjee, 'After the War: Iraqi pipeline blast is laid to sabotage' New York Times 14 June 2003; Dan Murphy, 'Sabotage Still Clogs Iraqi Oil' Christian Science Monitor 04 November 2003.
[251] See 'Facilities Protection Service' at http://www.globalsecurity.org/intell/world/iraq/fps.htm.

security management personnel, during its lifetime this massive Erinys private guard force was the second largest security organisation operating in Iraq after the US military, and according to Erinys management arguably the single largest armed private security force in the world.[252] The fact that this privately managed security force was also a hybrid public-private security actor would eventually be symbolically captured in the insignia that prominently displayed both 'Task Force Shield' and 'Erinys Iraq' on each guard uniform.[253]

However, the project was not simply massive in terms of the size of its security force and the scope of its operations. It was also massive in terms of the degree of control over the content or actual practice of security governance that was placed in the hands of this PSC. As stipulated during the contract's bidding process, 'the lead contractor person would be responsible for all security matters and act as the lead security advisor to the Ministry of Oil.'[254] Though this responsibilization of Erinys for 'all security matters' can be broadly contextualised in terms of a functional response to a security requirement—i.e. the necessity to free up Coalition ground units—it also involved the discursive construction of private security companies as expert security professionals with an authoritative knowledge of the technical provision of security. The fact that the public auspice had identified private security in these terms can be seen in the language of the government's solicitation, which stated '...the technical proposal must identify based upon *their knowledge* how they plan to hire, vett (sic), train, equip and operate a guard force from the Iraq populace.'[255] In this sense, and in line with global governance

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[252] Interview with retired Major General John Holmes, Erinys Management. Erinys London Office, November 28 2005. According to General Holmes, Erinys' 16,000 security personnel was arguably larger than the as yet nascent and reconstituted Iraqi Army and Police forces. It was also larger than the second largest Coalition forces provided by the British.

[253] Task Force Shield was one US military auspices with oversight responsibilities during the OPF contract.

[254] See: Solicitation for Security Services: Request For Proposal DABV01-03-B-001.

[255] Emphasis added. Ibid.

literature, this case study illustrates how the authority of this private security firm was bolstered not only by its contractual proximity to a public auspice, but also because it had been defined as a security professional with access to expert security knowledge.[256] The remainder of this case study involves a detailed empirical analysis of the nature of the Erinys Oil Protection Force as a hybrid public-private security network. It emphasizes the networked structure of the Erinys private security force, as well as its place within a larger, horizontal security network comprised of its informal and formal relationships with the other security actors operating in the same territory. It also discusses the techniques—such as the use of audits and embedded personnel—used by various public auspices to engage in a strategy of rule at a distance.

3.7.1 *The Networked Structure of the Erinys Oil Protection Force*

The Erinys Oil Protection Force (OPF) had a tripartite structure both geographically as well as organizationally. Geographically, unlike the vast majority of the private security contracts in Iraq, the OPF was organized into three regions that spanned the entirety of the country. Therefore, as a national security force, Erinys' territorial scope defied simple Realist sociological characterisations of private security as necessarily localised in its territorial scope. Erinys' northern, central and southern regions covered the Oil Protection Force's nation-wide area of operations and extended from the offshore oil field platforms near the southern city of Basra—and which included an offshore oil platform security presence—to oil refineries in the northernmost regions of Iraq north of Mosul. While Erinys' division of Iraq into three geographic regions was organized with key petrochemical installations and crucial stretches of pipeline in mind, each region was also designed to overlap as much as feasibly possible with the Coalition's own

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[256] Clare Culter, 'Private International Regimes and Interfirm Cooperation' in Rodney Bruce Hall, Thomas J. Biersteker (eds.) *The Emergence of Private Authority in Global Governance* (Cambridge: University of Cambridge) 2002 p.28.

regional organization of its military forces to facilitate OPF-Coalition Force interoperability.[257]

The Erinys OPF was also divided into three organizational levels. At the hub of this network was the Erinys OPF project management team located in the Erinys Iraq national headquarters outside of the Green Zone in the Al Mansour neighbourhood of Baghdad. This fortified compound acted as a communications and management node for the Oil Protection Force and was responsible for the overall planning and coordination of the various program procurement and logistical requirements—such as sourcing and distributing uniforms, weapons, ammunition and vehicles—as well as designing the training of the mostly Iraqi guard force and the command/control communications system for the countrywide private security force. This Baghdad based Project Management Team was also responsible for managing the relationship with the various military, US and Iraqi government clients at the CPA headquarters in the Green Zone.[258]

The second tier of the hybrid public-private OPF security network was comprised of three regional headquarters. In line with a networked organizational structure, many of the key operational aspects of the day to day security operations were devolved away from the hub of the network to each of the three regional offices. These Erinys regional management teams were required to conduct ground reconnaissance of the key oil and gas nodes in the Iraqi petrochemical network in their region as well as find suitably secure locations for their office headquarters. Operational coordination of the OPF force, OPF basic force training as well as administrative support—such as equipment support, payroll, logistics and equipment maintenance—was the responsibility of the regional headquarters within each of the three regions. Each regional Erinys office also

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[257] 'The Erinys Iraq Oil Protection Force: Infrastructure Security in a Post-Conflict Environment', p.18
[258] Interview with John Holmes, Director of Erinys International 28/11/05.

acted as a middle management and coordinating agent between the local OPF guard forces at each oil and gas site selected for protection and the Erinys project management team located in Baghdad.

Below the regional level, at the third tier of the OPF organization, Erinys divided Iraq into fourteen sectors. Each sector headquarters had expatriate Erinys international management staff responsible for the managing the predominantly ethnically Iraqi Oil Protection Force. Within every sector, there were upwards of a dozen 'fixed sites' that needed to be guarded by the Erinys private security force typically comprised of warehouses, electrical power plants, crude oil storage tanks, petroleum refineries, petroleum pumping stations, natural gas facilities, and water pumping plants.[259] Each sector headquarters was responsible for continuity guard training and ensuring these sites had a static armed guard force at key points, as well as a mobile patrol force on the petrochemical facility's grounds. Sector-level management was also responsible for operating a mobile security patrol element comprised of pipeline mobile patrol teams as well as a quick reaction force (QRF) that acted as a sector-level reinforcement capability if any single site in the network was under a sustained attack. Finally, at the very lowest level of the OPF network, each individual secured site had local Iraqi site management responsible for running day-to-day site security as well as assisting in the continuity training of each site's Iraqi security team.[260]

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[259] David Isenberg, 'Iraq: Precarious Work Protecting Iraq's Pipelines' *Asia Times Online* September, 23 2004 http://www.atimes.com/atimes/Middle_East/FI24Ak01.html.

[260] The Erinys Iraq Oil Protection Force: Infrastructure Security in a Post-Conflict Environment', p.10. Very often, the actual site security guards employed by Erinys were stationed at the facility previously under the auspices of a Saddam-era security organ and were enveloped into the broader Erinys OPF. This was due in part to the local tribal realities on the ground where local politics needed to be considered, in part to the necessity of getting 'boots on the ground' immediately, and following from this latter point, the inability to first train and *then* deploy a unified trained and vetted OPF force. In the beginning of the contract, much of the Erinys OPF made due with mobile Erinys training teams and an *ad hoc* and decentralized training mechanism for OPF guards *already* deployed as site guards. Interview, John Holmes 28/11/05.

While in some respects the Erinys OPF network maintained a degree or hierarchical organization, in actual practice it operated in a flattened and decentralised fashion. Considerable operational control over the actual content of security governance was removed from the national Erinys network hub in Baghdad and dispersed to the capillary levels of the Erinys sector and each individual site. Indeed, under the Erinys-designed security model, and in line with the contract stipulation that the OPF be eventually handed over to the Iraqi government, the entirety of the OPF guard force was comprised of Iraqi guards managed at the site level by embedded Iraqi OPF management.[261]

Overall communication and coordination within the decentralised Erinys OPF management structure was facilitated via a twofold process. First, it relied upon a system comprised of site-visits and management security audits. This form of governance-by-audit, associated with New Public Management practices associated with security privatisation more generally, was carried out by Erinys sector-level and regional-level management to verify 'ground truth' and make sure OPF security at each node in the Erinys security network was operating effectively.[262] Second, each node that comprised the core expatriate management element of the Erinys OPF network (the national headquarters, the three regional headquarters, and the 14 sector headquarters) manned a 24-hour operations centre that was responsible for maintaining constant contact with other nodes in the network at both an *intra*-regional and an *inter*-regional level. At the *intra*-regional level, Erinys adopted a vhf radio system that linked each sector headquarters within a region to each other as well as to that region's OPF

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[261] Where possible, Erinys worked with Iraqi officers with English language skills who had experience working with westerners—such as pilots from the former Iraqi Air Force and civilian petrochemical engineers previously employed at a guarded site—to act in an OPF management capacity. Interview, John Holmes 28/11/05.

[262] Les Johnston 'Private Policing in Context' in *European Journal on Criminal Policy and Research* 7(2) 1999 p.180.

regional headquarters. Second, an *inter*-regional communications system based on satellite telephones was used to connect each Regional headquarters to each other as well as the OPF national headquarters in Baghdad. Finally, direct data transfer communication between each node in the network was facilitated by a VSAT satellite network that had terminals located down to the level of sector headquarters. Under this decentralised system, the Erinys OPF networked management structure *itself* implemented the rule of 'subsidiarity' common to a shift from government to governance; in other words, the responsibility for carrying out security tasks was devolved to the lowest level of management deemed competent to take responsibility for it.[263]

3.7.2 *The Oil Protection Force as a Hybrid Public-Private Security Network*

On one level, any combination of a public auspice with a private 'implementing partner' constitutes a hybrid public-private network. In the case of the OPF, this blurring of the public-private divide was made more complicated by the existence of *multiple* public auspices—military and civilian, US, British and Iraqi—that had an authoritative role regarding the Erinys private guard force. As a result of this, the actual institutionalization of the public authority over the OPF was in practice complex at best. The first auspice with an oversight role in the OPF—the CPA office of the Senior Oil Advisor—awarded Erinys the OPF contract and therefore also maintained responsibility for contract oversight.[264] The Iraqi Ministry of Oil (IMO) was the second public auspice and was also the ultimate OPF 'client' insofar that it was the Iraqi petrochemical infrastructure that was being secured by the Erinys guard force. In practice, prior to the

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[263] Les Johnston, *Policing Britain: Risk, Security and Governance* (United Kingdom: Longman Press) 2000 p.27.
[264] See http://www.cpa-iraq.org/budget/DFI_intro1.html. See also The Erinys Iraqi Oil Protection Force: Infrastructure Security in a Post-Conflict Environment. P.4

handover of sovereignty, the Ministry of Oil maintained a 'shadow' representative within the CPA and attempted to influence the operation of the OPF through this channel.[265] The third auspice, the multinational military force, was responsible for overall issues pertaining to security within Iraq. Through this auspice, Erinys was expected to coordinate and integrate the OPF with these Coalition forces. In a further blurring and disaggregation of public authority over their private security partner, Erinys was first supervised by Task Force Restore Iraqi Oil (RIO), a unit of the US Army Corps of Engineers responsible for managing the refurbishing Iraqi oil infrastructure, and later the military's Task Force Shield, which was simultaneously responsible to the Coalition forces as well as the CPA's Contracting Officers for ensuring Erinys was in compliance with its contract.[266]

Overall, this demonstrates that mapping the disaggregated nature of authority within a hybrid public-private security network can be a difficult task in practice. As will be analysed in greater detail below, the difficulties surrounding this disaggregation of authority to various public nodes also shows how in certain circumstances, the actual *technologies* of rule at a distance have not always effectively caught up to the actual *practice* of rule at a distance. In other words, the techniques put in place to effectively monitor the privatization of security governance have not always been as robust as the procedures put in place to implement the privatization of security governance in the first place. Thus, according to the Office of the Special Inspector General for Iraqi Reconstruction (SIGIR), oversight of the OPF was 'beset with confusing management and inconsistent oversight from its inception.'[267] While this observation by SIGIR foreshadows a discussion of potential problems associated with the government's ability

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[265]Ibid, p.4.
[266] See the Office of the Special Inspector General for Iraq Reconstruction, *'Review of Task Force Shield Programs'* April 28 2006 p.1-2 for a look at this disaggregated authority structure in greater detail. http://www.sigir.mil/reports/pdf/audits/06-009.pdf
[267] Ibid. p. 5.

to 'steer' while the private sector 'rows', it also lends empirical credence to the claim that when analysing private security governance within Iraq, the 'state' is itself often best understood in terms of a set of discrete nodes rather than a unified whole. Crucially, in this case, *multiple agencies* from *multiple states* each acted as an auspice and node within the OPF hybrid public-private security network.

The actual techniques used to connect the various public and private nodes that comprised this security network existed at each of the levels of the Erinys OPF structure. This coordination between Coalition military forces and Erinys was relatively weak at the level of the Erinys headquarters office in Baghdad. This was due in part to the fact that instead of having the Erinys OPF national headquarters and/or their OPF project management team co-located in the Green Zone with the central Coalition military command and the CPA, Erinys had their offices located in the Red Zone (i.e. the unsecured part of the city). For the first year, the only direct interaction Erinys management had with CPA officials responsible for overseeing the OPF contract would be would be in the form of OPF senior management visits to CPA offices within the Green Zone.[268] The OPF project management team also spent a considerable amount of time 'walking the halls' giving briefings in the Republican Palace—where the CPA and various other governmental auspices maintained their headquarters—in a proactive attempt to inform the various stakeholders responsible for Iraqi infrastructure security as to the role of the Erinys Oil Protection Force.[269]

One considerable point of auspice-implementer interaction at the national level came from occasional invitations to the Erinys national project management team to participate in CPA and Coalition Force working groups that were tasked with creating a

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[268] Interview, John Holmes 28/11/05.

[269] These briefings were very basic, and included PowerPoint presentation slides with titles such as 'OPF - what we are'; 'OPF - what we do'; 'OPF – what we do not do'. See: 'The Erinys Iraq Oil Protection Force: Infrastructure Security In A Post-Conflict Environment' p.12.

mechanism to coordinate Coalition and Iraqi forces as well as private security firms into a coherent Iraq-wide infrastructure security force.[270] However, the lack of 'ownership' by any single public governmental auspice—whether the CPA, the Iraqi Ministry of Oil, or the Coalition military forces—was a contributing factor in the lack of efficient coordination between Erinys and the 'state' at this level of Erinys OPF management.

Though coordinated exchange of information with the Iraqi Oil Ministry and the CPA were essentially limited to these rare exchanges at the national level, the regional and sector levels of Erinys OPF management was much more integrated with the Coalition military forces.[271] Mimicking the informal coordination typical of many private security company interactions with Coalition military forces—such as Hart's use of a Coalition base during the Perini contract discussed above—and contrary to the decision taken by the Erinys national headquarters, Erinys management at each of its three regional headquarters decided to co-locate *within* various facilities operated by Coalition military forces.

Moreover, underscoring the multinational possibilities of security networks, this involved co-locating with the militaries of multiple states. For example, in the north, Erinys was embedded within a US military facility located at the Northern Oil Company complex in Kirkuk, while the OPF southern regional headquarters was embedded within a British logistics base outside of Basra.[272] Erinys also embedded its sector level headquarters into coalition force bases when possible. For example, the Mosul sector headquarters was re-located to a coalition base after it was attacked by insurgents, and the Nasiriyah sector headquarters was located within the Italian military contingent's

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[270] Ibid, p.27.

[271] The lack of coordination with the Iraqi Ministry of Oil anywhere other than Baghdad reflected the lack of infrastructural power the new government Ministry had over many of its ostensible employees located throughout Iraq. The civilian elements of the CPA responsible for oversight of the OPF also did not take active measures to interface with the OPF at the regional or sector level.

[272] The Erinys Iraq Oil Protection Force: Infrastructure Security in a Post-Conflict Environment', p.14.

headquarters. This technique of co-locating PSC operational headquarters within military bases was a crucial aspect of facilitating public-private security networks in Iraq. So too was the proactive work by sector level Erinys management to go out and regularly meet with military unit commanders below the brigade level in their area of operations.

The fact that both regional and sector-level OPF headquarters were embedded in Coalition military facilities—including Italian, US and British forces—also concretely illustrates one aspect of the blurring of the public/private divide in security governance. It also demonstrates the way local area military commanders—independent of any contractual or other official connection to the OPF *per se*—recognized the utility of cooperating with this Erinys private security force that co-existed in each of their areas of operations.

Another crucial technique of rule at a distance used by public auspices within this hybrid public-private security network was the use of liaison officers responsible for the task of connecting and coordinating the Erinys OPF with Coalition forces. A small dedicated cadre of US and British Army liaison officers facilitated joint OPF-Coalition forces planning and operations and also acted as a link between Coalition formations and units and Erinys regional and sector headquarters.[273] As the OPF developed and matured, so too did the oversight technique of embedding military personnel into the Erinys security force's management structure. By January 2004, Coalition forces had dedicated Task Force Shield liaison officers embedded into the offices of each OPF regional headquarters tasked with coordinating between these Erinys regional commands and coalition division and brigade headquarters.[274]

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[273] 'The Erinys Iraq Oil Protection Force: Infrastructure Security in a Post-Conflict Environment', p.12.
[274] Ibid. P.10.

3.7.3 *The Oil Protection Force as an Actor within a Larger Security Network*

Buttressing this dissertation's interpretation of the fragmented nature of security governance within Iraq and the overlapping and splintered security jurisdictions and functions of various public and private actors within its territory, Erinys management explicitly conceptualised the OPF as one node within a larger security network. This concept of Erinys' place within a security network existed on a number of formal and informal levels and had specific operational security ramifications.

First, Erinys conceptualised the Oil Protection Force as working in an area of operations jointly occupied by Coalition and Iraqi Security Forces. As a lightly armed guard force, Erinys viewed the OPF acting as a 'tripwire' or first line of defence for a *graduated* and *integrated* joint public-private response to attacks on Iraq's oil infrastructure.[275] Within this networked framework, the vast majority of Erinys' 16,000 predominantly Iraqi OPF guard personnel would be tasked with static site guarding duties to act as an immediate deterrent to crime or weak armed attacks. Within the Erinys security management vision, the OPF force would require significant close operational support from Coalition military and Iraqi security forces in the face of sustained or heavily armed attacks against OPF secured sites.

At the same time, Erinys trained 2,100 of their guards in advanced mobile patrolling skills for securing the pipelines that included vehicle maintenance, global positioning system navigation, as well as anti-ambush skills and counter-improvised explosive device (IED) techniques.[276] These guard forces would then be made available for limited joint operations with Coalition and Iraqi forces. In one example of the operational support the OPF provided to Coalition forces, these mobile teams were used

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[275] Interview, John Holmes, 28/11/05 .

[276] 'Iraq's Pipeline War', *World Pipelines,* May 2005.

to patrol stretches of highway and search for improvised explosive devices at the request of the US military.[277]

Second, and more informally, Erinys planned and implemented an engagement with a wide variety of stakeholders and political actors that had an interest in the security governance of Iraq's oil infrastructure. For example, the Saddam Hussein-era oil company management personnel that still existed at many of the fixed sites Erinys was required to protect—as well as their already-on-site security forces (however limited and ad hoc)—were negotiated with and incorporated into the overall OPF structure. Erinys also created informal personal networks with regional tribal sheiks and religious leaders to gain permission to recruit local Iraqis into the OPF—and in the case of the more dangerous regions of Bayji and Haditha—to secure guarantees that Erinys management would not be harmed as they travelled through territory tied to various tribal affiliations. Over time, the informal network developed between Erinys and these tribal sheiks—facilitated in part by Erinys Iraqi management—became so strong for a period that the PSC was able to create forward operating bases in territories considered 'no go areas' by Coalition Forces.[278]

Third, Erinys had planned to build these informal contacts with local actors into a 'comprehensive liaison and security information network' called 'information shield.' [279] Within this system, Erinys would act as an intermediary between Coalition forces and the myriad local Iraqi actors Erinys liaised with to allow Erinys to develop threat intelligence for the oil infrastructure as well as facilitate effective security counter-measures by Erinys or Coalition forces. Though not fully implemented, this PSC-operated intelligence network effectively meant that Erinys had created an informal

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[277] Jackie Spinner 'Iraqi Oil Gets its Own Police Force' *Washington Post* January 17 2004.
[278] The Erinys Iraq Oil Protection Force: Infrastructure Security in a Post-Conflict Environment' p.32-3.
[279] Ibid, p.9.

intelligence network that linked Coalition military forces and Iraqi security forces with these other actors operating in the territory occupied by the OPF.

3.7.4 *The Erinys Oil Protection Force, Rule at a Distance, and New Sociology of Governance Power Analysis*

"We were making it up as we went along and don't let anyone tell you otherwise."[280]

- John Holmes, Erinys

The contract let to the PSC Erinys to protect Iraq's oil infrastructure is a classic example of state rule at a distance understood in terms of the 'state' maintaining a responsibility to 'steer' a security function while the private sector is utilized to 'row' or implement it. In the case of the Oil Protection Force, however, the fact that multiple governmental agents were involved in the role of 'steering' the OPF created a number of considerable practical problems.

The lack of a clear management structure for the U.S. agencies responsible for overseeing the protection of the Iraqi oil infrastructure degraded the ability of the Oil Protection Force to do its job.[281] In effect, the multiplication of agencies or auspices— including the CPA, the US assisted Iraqi Ministry of Oil, and the various US military organizations involved—complicated and blurred the chain of command. The practical consequences of this meant that different governmental auspices had different—and occasionally contradictory—security priorities for the OPF. For example, while the core mission of the OPF centred on the protection of the pipelines and refineries, Erinys

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[280] Interview, John Holmes.
[281] Office of the Special Inspector General for Iraq Reconstruction, *'Review of Task Force Shield Programs'* April 28 2006, p.i.

management was informed by Task Force Shield that they would have to take over the guard duties of Baghdad's government owned petrol stations in order to free up the US troops being used to guard these stations, effectively gutting the manpower from their Central Region mobile pipeline patrols.[282] With multiple demands coming from multiple auspices, responding to one security priority necessarily involved a negative inverse affect on other security priorities. With many of these security tasks being added on in an *ad hoc* fashion outside of the contract's original work description via a process that typically involved 'getting signatures at the end,'[283] defining 'success' became more problematic as different auspices made contradictory requests to their private security implementing partner.

This lack of a clear chain of command also affected the auspice-implementer relationship more directly when the Task Force Shield Commander—who was simultaneously tasked as: a) the liaison between the broader Coalition military forces and the OPF and b) tasked with assisting the CPA in its oversight of the OPF contract— perceived that he had direct authority to command the OPF as he saw fit. Erinys management, as the employers of the OPF, rejected this assumption of command authority on the part of the task force commander. This resulted in a direct contestation of power between a state auspice and the private security provider contracted to implement a public security policy that would not be resolved throughout the course of the contract.[284]

A further point of contestation between the Erinys management team and its multiple public auspices centred upon two distinctly different conceptualizations of the nature of the OPF as a security organ. Instead of envisioning the OPF as an infrastructure guard force, elements within the CPA as well as the Coalition military forces understood the

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[282] Interview, John Holmes 28/11/05.
[283] Ibid. This expression was used by the Erinys Director during the interview.
[284] The Erinys Iraq Oil Protection Force: Infrastructure Security in a Post-Conflict Environment' p.30.

capacity and role of the OPF terms of a para-military force.[285] From the perspective of Erinys, this problem was enhanced by two factors. First, there was a lack of military experience on the part of the CPA officials designated oversight responsibilities for the contract that limited their understanding of the capacities of the OPF. This problem was compounded by their refusal to leave the secured Green Zone to visit the OPF operation in the field during the entire first year of the contract.[286] Second, there was a systemic lack of communication throughout the various elements of the Coalition armed forces and the civilian CPA leadership regarding the Oil Protection Force's remit and limit of exploitation that extended all the way down the chain of command to local military commanders in the field.

As a result of this, as the insurgency began to increase in intensity, local Coalition military commanders began to make requests to Erinys OPF management that they reposition their Oil Protection Force to act as an auxiliary para-military maneuver force.[287] By making specific requests that Erinys redeploy its private guard force to actively engage in combat operations and assist Coalition forces in actively seeking out and engaging insurgency forces, Erinys management was put in a position to choose between either engaging in illegal offensive combat operations or rejecting requests made upon it by Coalition forces.[288] Ultimately, Erinys declined this request, and spent a considerable amount of its time explaining the role of the OPF to various security actors using overhead slides that read 'OPF: what we do not do – "conducting offensive, pre-emptive or manoeuvre operations."'[289]

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[285] Interview, John Holmes 28/11/05.
[286] Ibid.
[287] Ibid.
[288] Indeed CPA Memorandum Number 17 stated 'the primary role of PSC (sic) is deterrence. No PSC or PSC employee may conduct any law enforcement operations.' See CPA Memorandum 17 'Registration Requirements for Private Security Companies' Section 9 entitled 'Limitations and Responsibilities of Private Security Companies' p.7 www.cpa-iraq.org Accessed 10/09/04.
[289] 'The Erinys Iraq Oil Protection Force: Infrastructure Security in a Post-Conflict Environment' p.12.

3.7.5 *Case Study I Conclusion*

The Erinys Oil Protection Force remains the largest single privately run security force created in Iraq. It was also the largest hybrid public-private security network that operated in the country between 2003 and 2004. Not only did Erinys adopt a networked organizational structure for itself, but it also envisioned and set out to implement a networked relationship with the Coalition and Iraqi forces that operated within the same territory. Erinys also explicitly used the concept of a security network while collating intelligence gathered from tribal and other sources for its 'information shield' concept. In practice—and in line with a security governance framework—networked coordination, rather than hierarchical structures of control, pervaded Erinys' relationship to its multiple public auspices.

Though the various public auspices that comprised one half of this hybrid security network used various techniques of rule at a distance—such as co-locating Erinys regional headquarters with state military headquarters and embedding military liaison officers into the OPF—the actual implementation of rule at a distance strategies can be seen as outpacing the effective practice of these techniques as a system of state auspice-directed governance. Regardless of the relative power lost or gained by public and private actors in the context of this contract, however, the nature of security governance—and its relationship to territory, authority and the state—was significantly changed by the hybrid public-private security network of the Erinys Oil Protection Force.

3.8 *Case Study II: A Private Security Company and Project Matrix: Introduction*

Perhaps the most salient example of the hybrid public-private security network operating at the macro-level is embodied in the Iraq-Wide Reconstruction Security Support Services (RSSS) contract[s][290] (also referred to as Project Matrix) awarded by the Pentagon to the private security company Aegis Defense Services Ltd[291] (Aegis) that ran between May 25 of 2004 through 2008. Measured in terms of the monetary size of the contract, its geographical range, the number of security personnel involved, and the sheer scope and breadth of the security functions it was authorized to undertake, the Aegis RSSS contract was truly massive. The first contract, awarded on May 25th of 2004, was valued at $292 million dollars over a three year period.[292] In May 2007, the RSSS was extended and Aegis won the subsequent re-award valued at $475 million, bringing its total revenue near $1 billion dollars for this single contract. During the course of the RSSS, Aegis would be required to hire over 1200 private security personnel, operate a fleet of over 100 armoured vehicles, and travel over three million miles while operating tens of thousands of private security details throughout the entirety of Iraq.[293] Aegis would also play a unique role in providing a networked oversight mechanism for US military to gain a more comprehensive awareness of the myriad private security companies operating in Iraq.

Through an analysis of the various elements of this contract—with a special focus on the oversight element described above—we can see how the US military engaged with a private security company to carry out important physical security tasks as well as

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[290] At the time of writing, the Aegis RSSS contract was still running after being re-awarded in 2007 under the auspices of the Gulf Regional Division of the US Army Corps of Engineers.

[291] During the course of the contract, Aegis would change its name to Aegis Specialist Risk Management. Throughout the chapter it is referred to as simply Aegis.

[292] Audit Report Number 05-005 'Compliance with Contract No. W911S0-04-C-0003 Awarded to Aegis Defense Services Limited', Special Inspector General to the Iraq Reconstruction, April 20 2005. pg. 1.

[293] Much of the information for this case study such as the numbers above come from a compilation of sources, including the Performance of Work Statement for the RSSS contract, interview material, news reports and the SIGIR Aegis Audit.

manage a PSC monitoring network that would act as the sole formal, operational point of contract between a public auspice and the hundreds of PSCs operating in Iraq. Specifically, this case study focuses on two goals. First, it provides a detailed empirical study of the security functions of a crucial hybrid public-private security network in Iraq. In a fashion similar to the previous Erinys case study, the hybrid aspect of the network is identified by detailing the techniques of rule at a distance used to integrate the Aegis operation with the auspices responsible for steering the contract. Second, and in contradistinction to the previous case study, it also applies a neo-Foucauldian analysis of neo-liberal rationality to analyse the techniques of indirect governance of security networks in Iraq.

3.8.1 *Contract Background*

Besides a requirement to provide a static guard force for CPA buildings, the RSSS contact essentially involved three parts. The first involved the need to provide a secure method for the CPA to visit and monitor the progress of various reconstruction projects in the field. The origin and contextual backdrop for this function—as with the second and third functions discussed below—was the growth of the insurgency and the resultant security requirement for the reconstruction effort. Tasked with responsibilities to oversee the US funded prime contractors of the private-sector-led Iraq reconstruction effort, the CPA's Project Management Office (PMO) originally relied upon a combined team of US military, US government civilian, and private contractor personnel to monitor the various reconstruction projects operated by prime contractors across Iraq. As the insurgency started to pick up pace, these public/private PMO teams needed a

security detail to provide armed guards during these reconstruction site visits.[294] Absent

any military doctrine, funding, or mission statement designed to provide security for the

various CPA and other governmental agencies involved in reconstruction—and with an

inadequate amount of soldiers to secure the reconstruction effort—the military did not

provide this security. Thus unable to rely upon US military resources, the CPA/PMO

turned to the private sector and awarded Aegis a contract to provide these monitoring

teams with an armed security presence.[295] Over time, the CPA/PMO decided to replace

its *ad hoc* reconstruction monitoring teams by exclusively relying on Aegis for this

function. As a result, one key function of Aegis in the RSSS contract involved

completely taking over this reconstruction monitoring fieldwork in the form of Aegis

Reconstruction Liaison Teams (RLTs) created specifically for the task.

The insurgency also created the requirement for the second function of the RSSS

contract; namely, the creation of Aegis security escort teams, or (SETs), designed to

function as an armed security escort or personal security detail for CPA officials as they

travelled around Iraq. The third and most important aspect of the RSSS contract

involved Aegis creating and managing a networked Reconstruction Operations Center

designed to monitor the PSCs providing security for the reconstruction effort.

Originally, as the private sector actors that comprised the reconstruction effort ramped

up their use of private security for static guarding of construction sites, in-transit

personal security details and the guarding of reconstruction supply convoys, the US

military maintained its posture that the Iraq reconstruction was essentially a civilian

responsibility, parallel to yet separate from the military's warfighting mission. As a

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[294] Jack Holly, Director of the Logistics Monitoring Coordination Center, Baghdad, Iraq. Telephone Interview, Baghdad. 07/05/08. Jack Holly is a retired US Marine Colonel has been described as 'The Concierge of the Battlefield' and was responsible for organizing the Iraq Reconstruction logistics mission and the management and distribution of upwards of $15 billion in materiel.
See: http://www.grd.usace.army.mil/news/stories/Battlefield.pdf Accessed 17/11/08.
[295] Ibid.

result, the US military did not take an active role in monitoring, integrating or interfacing with the now burgeoning private security presence surrounding the reconstruction effort. Moreover, with the private sector effectively responsibilized for its own security, the military did not see the escalating deaths of reconstruction contractors between 2003 and early 2004 as its concern.[296] This changed in a dramatic fashion on March 31, 2004, when four contractors from the PSC Blackwater USA were killed and their bodies burned and hung from a bridge in Falujah. The ensuing military operation in that city as a result of this violent event as well as the massive public media spotlight—and subsequent Congressional interest—that it gave to the role of PSCs in Iraq created the catalyst for the Department of Defense to take steps to oversee the private security companies operating in Iraq.[297]

Thus, in many respects the origins of Aegis' work under the RSSS needs to be understood as a combination of the rationalization of the ongoing static and mobile security requirements for the PMO/PCO[298] officials monitoring the reconstruction effort as well as an effort to create a mechanism by which the DoD could monitor the private security companies operating in Iraq. In effect, the RSSS contract awarded to Aegis rolled multiple security functions into one single contract and created a unique PSC-operated private security monitoring system. As the most important aspect of the RSSS contract, the study emphasizes (and first turns to) an analysis of the Reconstruction Operations Center.

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[296] Between April 2003 and April 2004, 42 contractors were killed in 31 separate attacks against reconstruction workers. David Strachan-Morris, '*The Future of Civil-Military Intelligence Co-operation Based on Lessons Learned in Iraq*' International Studies Association Conference Paper 2007 pg.2.

[297] This event marked, for the first time in the United States, a large public discourse on the role of private security companies in war zones. A letter from Ike Skelton, the Ranking Democrat on the US House of Representatives Armed Services Committee to Defense Secretary Rumsfeld dated April 2 2004 asking for a clarification of the role of PSCs in Iraq was the first serious attempt by Congress to understand this privatization of security in Iraq.

[298] The PMO was transformed into the PCO after June 28 2004 with the dissolution of the CPA and the establishment of Iraqi interim government.

3.8.2 *The Reconstruction Operations Center (ROC): Hub of a Broader Security*

Network

The PSC oversight/monitoring element of Aegis's RSSS contract with the DoD involved the creation and overall management of the Regional Operations Center, or ROC. Primarily, the ROC was created by the US military to function as an unclassified, PSC-operated electronic surveillance system designed to provide battlefield commanders with a comprehensive picture of the location and movements of private security companies operating in their Iraqi 'battlespace'. As a subsidiary function, the ROC would also formalize the informal and inter-personal intelligence networks created between PSC personnel and the military by disseminating a declassified security brief to the private security companies that participated in the program. As the ROC developed over time, participation was widened to include other actors in the broader civilian-led reconstruction effort, including envoys from reconstruction donor nations, NGOs and international organizations. As a result, the ROC became a 'focal point for all agencies, both military and civilian, involved in the reconstruction program.[299]

In this capacity, Aegis was not only a facilitator of government surveillance over the PSCs in Iraq, but also acted as a hub within a *broader security network* that exchanged security services and information between the myriad private security companies and the US military. On one level, this security network involved the series of public and private institutions and organizations mentioned above; NGOs, various international organizations, agencies from various governments—including fledgling Iraqi government agencies—as well as the individual private security companies and their corporate auspices were all tied to this network. On another level, described in greater

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[299] See: Performance of work statement (PWS) to provide reconstruction security support services (RSSS) for the Gulf Region Division, pg.49.
https://www.fbo.gov/files/c8c/c8cef141d8f73c24669396fa7e80b1b7.pdf?i=d09fbaea075b66f38bc2a24d0337ccd2

detail below, the reach of this security network extended beyond and into each participating institution to each and every vehicle and convoy electronically monitored by the ROC. Therefore, while this broader security network had the potential for hundreds of institutional participants, it was also comprised of potentially thousands of individual network nodes.[300]

3.8.3 *The ROC as a Hybrid Public-Private Security Network*

The ROC was not merely the hub of a larger hybrid public-private security network. Aptly named Project Matrix, like the Erinys model, the ROC was *itself* a hybrid public-private security network comprised of a series of operations centers located throughout Iraq. Measured geographically, this Aegis-administered hybrid network covered the breadth of the entire country. The core hub, the National Regional Operations Center (NROC) was located in Bagdad's International Zone (IZ)[301] while five Regional Reconstruction Centers (RROCs) and six smaller, Satellite Reconstruction Operations Centres (SROCs) were set up across the country.

The fact that each of these regional (RROC) and satellite (SROC) ROC substations were embedded in Coalition military bases run by *multiple state militaries* underscored both the pluralised as well as the hybrid, public-private nature of the Aegis-run organization.[302] So too did the actual operation of the ROC, which incorporated a number of US and other Coalition military and government civilian personnel into Aegis's daily ROC operations. Though the ROC intelligence system was essentially

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[300] This should not imply that this ROC surveillance system was 'total' or comprehensive. Many smaller PSCs—and some large ones—refused to participate in the ROC system or were unaware of it altogether.
[301] The IZ is also commonly referred to as the 'Green Zone'.
[302] RSSS Performance of work statement pg.7

run, managed and operated by Aegis,[303] Coalition military and other civilian government personnel were embedded within this Aegis-led organization in a number of ways. For example, Iraqi government personnel were present in an official point-of-contact liaison capacity to ensure that it received intelligence products from the ROC. At the same time, United States and non-US Coalition military units from Eastern Europe and Britain were integrated into the ROC's various monitoring and intelligence functions.[304] In turn, as the primary client, the US military also maintained a responsibility for overseeing the operation of the ROC.[305] In a further example of how governmental tasks can be multinational and fragmented, oversight of this Aegis contract was a task combined by two different governments.[306]

Despite the fact that the ROC was embedded into the military bases of multiple countries and both interacted with and was overseen by various governmental agencies, the ROC's daily operation was nevertheless largely run by the personnel hired by the PSC Aegis. The Aegis Director and Assistant Director of Operations were responsible for the overall management of the ROC and all its regional and satellite subdivisions. They were also tasked with proactively making sure information was disseminated to the various relevant military and civilian organizations in Iraq, as well as maintaining contact with senior management personnel of other private security firms operating in the country.[307]

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[303] Aegis personnel requirements for the ROC included, among other posts, senior and junior intelligence and counter-intelligence analysts. For an overview of Aegis personnel requirements for the entire RSSS contract, including the ROC personnel, see: 'Request for Proposal W91GXZ-07-R-0004 Reconstruction Security Support Services (RSSS)'.

[304] David Strachan-Morris. Pg.3.

[305] The Army delegated the administration of the contract to the Defense Contract Management Agency. Because Aegis is British firm financial auditing was an UK MoD responsibility, but an MOU let the DCMA pass on audit instructions to the MoD. http://www.sigir.mil/reports/pdf/audits/SIGIR_Audit-Compliance_Contract_Aegis.pdf p.1

[306] Ibid.

[307] RSSS Performance of Work Statement, pg11.

Thus, a rich degree of simultaneous *integration* into a public security institution (the US

military) and *networked integration* with other public governmental institutions was

combined with a significant degree of operational independence on the part of Aegis.

This point was summed up by a US Colonel responsible for overseeing the Aegis

contract who stated that while Aegis was integrated into the US Corps of Engineers

'intelligence and operations chain of command', the Corps of Engineers had only a

small role in actual management of the ROC.[308]

3.8.4 *Project Matrix, Rule at a Distance, and neo-Foucauldian Power Analysis*

From an organizational and technological perspective, the ROC's tracking and

monitoring of the private security firms in Iraq was facilitated by a two-fold process.

First, the ROC used a commercial satellite tracking system to relay electronic signals

from transponders mounted onto the vehicles of participating PSCs back to the NROC

(via a RROC). This would allow Aegis personnel to record and monitor (on large

walled plasma-screen maps) the real-time location of ROC-registered private security

vehicles anywhere in Iraq.[309] Second, Aegis provided PSCs with an electronic 'mission

notification form' (via a password secured DoD owned, Aegis administered ROC

website) that allowed PSCs to give the military prior written notification of their

personal security detail (PSD) and convoy movements throughout Iraq. This latter

process allowed greater coordination between the PSCs and the local military unit

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[308] Steve Fainaru and Alec Klein, 'In Iraq, a Private Realm of Intelligence Gathering: Firm Extends US government Reach' *Washington Post*, July 1 2007.

[309] This system was not truly 'comprehensive' insofar that only security companies that chose to participate in the system and use the vehicle transponders. Since participation was not mandatory, a significant number of companies either intentionally opted out of the system (Blackwater, Dyncorp) or were simply not well organized enough to participate. However, the quantity of oversight is still impressive. During one period in 2006, for example, this system allowed Aegis to record and monitor the movements of over 1800 PSC vehicles from 80 different private security companies nationwide.

commanders responsible for the territory these PSC-protected reconstruction convoys would be driving through.

However, in a salient demonstration of the fragmented nature of the state and its authority over security governance in Iraq, even the bedrock US governmental security institution—the US military—that had created the ROC PSC surveillance system did not have the legal authority to require mandatory PSC participation.[310] In a classic example of a *specifically neo-liberal strategy of indirect governance*, rather than relying upon direct forms of coercion to get private security firms to participate in this US military sponsored surveillance system, a series of techniques of enforced self-regulation were deployed instead. PSCs and the various public and private auspices that hired them were compelled and otherwise persuaded to freely interpret participation in the ROC system in terms of a rational calculation of self-interest and responsible self-governance.

This neo-liberal modality of state control manifested itself within a variety of techniques. One such method of indirect coercion that the US military used was to make participation in the ROC a contractual requirement in any DoD contract involving private security. This meant that in order to profit from these lucrative DoD contracts, PSCs would be *contractually* required to register with the ROC, irrespective of the fact they were under no *official* or *legal* obligation to do so. However, this contractual tool had a series of drawbacks. First, it could not be applied to the contracts written by other US agencies. This problem was compounded by the Department of State's intra-bureaucratic resistance to a DoD system that would by design also be able to monitor the PSCs used by the State Department. Resistance also came from the USAID and

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[310] Jack Holly, Director of the Logisitics Monitoring Coordination Center, Baghdad, Iraq. Telephone Interview, Baghdad. 07/05/08.

DoS-funded prime contractors that interpreted the ROC's monitoring system as an extra layer of operating overhead with little benefit being given to the corporate participants.[311] Many of these prime contractors already had long-term contracts in place that did not require participating in the ROC and they were disinclined to acquiesce to the Pentagon's wishes.

As a result, the US military used a number of positive and negative incentives to compel recalcitrant PSCs and other reconstruction auspices/customers of PSCs to participate in the ROC oversight network.[312] First, during a meeting with various prime contractor representatives, the US military acknowledged that while the reconstruction contractors were under no legal obligation to instruct the private security firms under their employment to participate in the ROC, neither was the US military obligated to provide any relief or assistance to these contractors if they came under insurgent attack. In this instance, the DoD simply took a previously taken-for-granted security service provided to contractors and redefined its continuation as contingent upon them 'freely' choosing to conduct themselves appropriately.

Second, the US military outlined a series of negative externalities associated with a lack of participation in the ROC and *framed these issues in terms of a lack of good corporate governance or adequate 'duty of care' for one's employees*. For example, the US military indicated during this meeting that a failure to join the ROC would increase the possibility of friendly fire incidents with Coalition forces. This was seen as particularly problematic with PSCs using 'low-profile' cars driven by ethnically Iraqi security

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[311] Ibid. Interestingly, Holly stated that the PSCs in the employ of reconstruction contractors generally understood and agreed that the movements of their employers needed to be monitored by the Coalition forces, yet they were not in a position to force the issue with their employers.

[312] Ibid. Ret. Col. Holly set up this meeting and negotiated what he referred to as a 'gentlemen's agreement' between the US military and the primary agents of the reconstruction contracting community to exchange a system of military support and security assistance in return for the contractor's participation with the ROC. Holly's notion of a 'gentlemen's agreement' perfectly captures the essence of a non-coercive technique of neo-liberal governance.

guards.[313] The military also indicated that PSC-guarded reconstruction convoys and other private security movements that did not give the military prior notification of their movements via the ROC would greatly increase the possibility of business delays due to *ad hoc* stops and searches from Coalition local area military commanders.

These neo-liberal techniques of indirect governance—i.e. techniques that seek to compel actors to 'freely choose' a particular course of action—utilized by the military also included a series of positive incentives. First, the military explained to various auspices that by allowing their PSC sub-contractors to be registered and electronically monitored, their PSCs would have access to the ROC's Aegis-monitored emergency response system. The same electronic transponder system that monitored the location of a ROC-registered PSC also came equipped with a panic button that would alert the ROC of an insurgent attack against a registered PSC and its clients. Aegis would then be able to relay the real-time location of the PSC under attack and coordinate the dispatch of a local Coalition military quick reaction force (QRF) to deal with this threat. A second positive incentive was a ROC-coordinated military assisted medical evacuation (MEDEVAC) for any PSC or civilian reconstruction personnel wounded in these attacks. In a piece of advice that perhaps contradicts assumptions about the innately superior efficiency of the private over the public sector, the acting military representative Jack Holly also explained to reluctant contractors that their insurance premiums—and thus their operating costs—would be significantly reduced if they had access to a military QRF and MEDEVAC, thus co-opting their own interests on behalf of the military's political objective.

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[313] David Carraway, 'Blue and White: Engaging with Militaries' *Journal of International Peace Operations*, September 2(2) 2006.

In sum, for a significant percentage of the reconstruction effort, participation in the ROC was predicated upon a series of governmental techniques associated with a specific neo-liberal rationality of indirect security governance. Positive incentives were used to co-opt the interests of external actors, such as lowered insurance premiums. Negative externalities were re-framed in terms of problems of good corporate governance and an employer's duty of care for its employees. Finally, in a classic extension of neo-liberal rationality more broadly, a security function typically assumed to be intrinsic to the raison d'être of the state itself—i.e. the provision of a military quick reaction force to civilians being attacked by insurgents—*was redefined as a service* contingent upon an individual's appropriate self-conduct and personal security measures.

These steps were very effective, and as a result many major reconstruction contractors began to require their sub-contracted PSCs to participate in the ROC.[314] However, it should be mentioned that the ROC was far from comprehensive in its ability to provide the military with the *total* awareness of the private security companies operating in Iraq. For example, a number of prominent PSCs that operated on State Department security contracts declined to participate in the ROC.[315] Other, smaller private security companies with small contracts and limited resources and knowledge also operated outside of the ROC system.[316] Without the authority to require PSCs to register with the ROC—and without the wartime governmental capacity to enforce compliance even if it

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[314] Interview Simon Faulkner. Hart Security. Hart London Office 09/09/05.
[315] Steve Fainaru and Alec Klein, 'In Iraq, a Private Realm of Intelligence Gathering' *Washington Post* July 1 2007 p. A01.
[316] Interview Simon Faulkner. Hart Security. Hart London Office 09/09/05.

were deemed mandatory—a significant number of PSCs operating on behalf of various

public and private auspices remained outside of this security network.[317]

3.8.5 *Beyond Surveillance: The ROC and Neo-Liberal Intelligence Collection at a Distance*

The ROC's previously alluded to subsidiary intelligence function operated on two

different levels for two different customers. On the one hand, Aegis provided a

'sanitized' intelligence bulletin to the PSCs participating in the ROC, and on the other

hand it simultaneously provided a classified intelligence product to the US military. For

the former group, Aegis was tasked with replacing the *ad hoc*, informal, and

interpersonal connections used to share threat assessments between private security

companies operating in Iraq (via emails, telephone calls, and meetings with friends and

professional acquaintances) with a more institutionalized system for collecting

intelligence.

Participation with the ROC now meant that standardized individual PSC security

incident reports would be collected from the various PSC 'nodes' within the ROC

network. These would then be analysed, collated and disseminated by Aegis back into

the PSC community as an unclassified, unitary 'relevant operating picture' amongst

security and reconstruction contractors. This information would be further enhanced

with sanitized US military intelligence reports, underscoring the philosophy of public-

private partnership underpinning this endeavour.[318] Designed to give PSCs a better

understanding of the threat level in their area of operations, this intelligence product was

provided by Aegis intelligence officers to its reconstruction customers via the Aegis

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[317] An example of one such NGO auspice that actively discouraged the PSC it had hired from participating in the ROC network is discussed in the next chapter.
[318]See the Special Investigator General for Iraq Reconstruction Audit report.

website.[319] Daily and weekly intelligence briefs provided specific threat assessments on future building sites and planned vehicle routes, as well as detailed statistics on the type of weapons and tactics used in the attacks and a description of the forces responsible for the attack.[320]

As the Aegis intelligence system matured, however, its role began to shift. Instead of acting primarily as a centralized hub for disseminating intelligence learned from reconstruction actors back into the reconstruction community, this information was increasingly being classified and used exclusively for the military itself.[321] Meanwhile, Aegis intelligence analysts were being tasked with 'analysis of foreign intelligence services, terrorist organizations, and their surrogates targeting DoD personnel, resources and facilities.'[322]

This shift effectively meant two discrete things. First, it meant that the military had transformed Aegis's primary role from *surveillance* partner to *intelligence* partner. Second, and more importantly, it meant that the *identities* of the various PSCs and other non-state reconstruction actors networked to the ROC system were also being reinterpreted by the US military. Rather than being viewed *merely as passive objects of security governance* that needed to be electronically monitored and protected from the insurgency, the various non-state actor ROC participants were now being re-defined as *responsive and autonomous subjects of security governance* that could be utilized by the US military as an intelligence resource external to the state. This transition was partially facilitated by the fact that many of the actual practices of the

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[319] The rhetoric of public-private partnership is symbolically encapsulated in the website's design. At the top center of the page, the term 'Reconstruction Operations Center' is flanked on both sides by the official seal of the US Army Corps of Engineers (the military branch in charge of ROC oversight) and the new Iraqi flag. Beneath this reads the following: 'Powered by Aegis Specialist Risk Management'. See www.rocops.com/roc/Default.aspx?base accessed April 23 2008.
[320] See: RSSS Performance of Work statement.
[321] Steve Fainaru and Alec Klein, 'In Iraq, a Private Realm of Intelligence Gathering' *Washington Post* July 1 2007 p. A01.
[322] See: RSSS Performance of Work statement p.10.

ROC embodied protective surveillance and intelligence functions simultaneously. For example, by using the vehicle panic button tied to the electronic ROC monitoring system while under attack, these non-state participants were not merely sending a distress call to the ROC, but they were also extending the US military's ability to see the locations of, and patterns in, insurgent activity.

This had significant political consequences for the non-state nodes in the ROC network irrespective of whether or not they were aware of it. Specifically, these non-state actors tied into the ROC as part of a new practice of responsible self-conduct now found themselves part of a networked extension of the US military's intelligence-led counter-insurgency effort. In effect, the US military had reconceptualised the ROC to 'activate' non-state resources beyond its direct control—in this case, various public, private, and non-profit auspices and their subcontracted PSCs—into a broader public-private intelligence-led counter-insurgency network. Here, the 'state' had effectively extended itself and its security-intelligence apparatus into the private sector, blurring on yet another level both the public/private divide as well as the division between a state-led security effort (i.e. military intelligence gathering) and a non-state humanitarian effort (i.e. the broad, NGO-inclusive reconstruction effort). This important shift in the modality of security governance was predicated upon the non-state actors participating in the ROC being re-defined by the military from potential victims of insurgent violence to potential sources of military intelligence.

3.8.6 *Beyond Security: RLTs, SETs and Neo-Liberal Intelligence Collection at a*

Distance

Reconstruction Liaison Teams (RLTs) were the key tool used by the US government to monitor the status and verify the 'ground truth' of the myriad reconstruction projects going on throughout Iraq. In this capacity, the Aegis RLTs effectively became a tool of remote management, coordination and oversight of the civilian led reconstruction effort. In practice this meant that the RLTs were responsible for reporting on the status of construction at the project site carried out by Iraqi sub-contractors to larger contractors implementing the reconstruction. This was accomplished by having an RLT physically drive out and visit each of the various, geographically isolated construction locations throughout Iraq.[323]

The size and scope of these RLT missions is impressive. From January through November 1 of 2006 alone, 800 Reconstruction Liaison Team missions were conducted by Aegis throughout Iraq.[324] Like their counterparts at the ROC, the Reconstruction Liaison Teams were embedded within Coalition military bases across the country and were divided into one dozen individual teams comprised of three vehicles each. Each RLT was comprised of one VIP vehicle holding the Aegis site inspectors and two heavily armed vehicle 'gunships' providing an escort.

Over time, however, instead of simply documenting and monitoring the status of reconstruction projects, the US military embedded a military intelligence and a counter-insurgency function into Aegis's RLT work. This included, among other things, creating a requirement for a description of the reconstruction project's facility security, the location of 'choke points' along the sites access road as well as other security-related geographic features of the area and travel route. More pointedly, the RLTs were also

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[323] RSSS Performance of Work statement p.14.
[324] Ibid. p.5.

required to catalogue the inhabitants of the area and the key personalities and their tribal/ethnic makeup, as well as document and record their political attitudes.[325] All of this information was then turned into standardized reports and turned over to the US military via the ROC command.

Nor was this new military intelligence function limited to the passive collection of information. These reconstruction liaison teams were tasked with establishing 'relationships of trust with local tribal leaders, sheiks, or provincial governors' and were also required to be proactively 'conscious' in identifying civil affairs projects and other hearts and minds efforts that would enhance the counter- insurgency effort.[326] In an extension of this policy, Aegis used its own funds to finance one hundred small charity projects such as building soccer fields and running vaccination programs in a charity program Aegis named 'Hearts and Minds'. This constituted a campaign specifically designed with principles of counter-insurgency in mind, and intelligence gleaned from these community connections could be passed to the US military.[327] With the aid of Aegis' local Iraqi employees embedded into these teams, the RLTs also proactively worked to resolve intra-Iraqi disputes—and thus to continue to help with the overall Coalition counter-insurgency effort—in Aegis's areas of their operations.[328]

On the one hand, this new intelligence and counter-insurgency role for the RLTs did not precisely constitute an instance of a neoliberal rationality of indirect governance, because the control mechanism was an instance of direct principle-agent contractual control. However, one not yet discussed technique of neo-liberal rationality used in security governance is the method of formally *embedding security governance*

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[325] Ibid. p.14.
[326] Ibid. p.15.

[327] Steve Fainaru and Alec Klein 'In Iraq, a Private Realm of Intelligence-Gathering' *Washington Post* 01/07//07.
[328] Rob Tillery, Executive Vice President of Aegis, LLC. Telephone interview, May 4 2008.

responsibilities into tasks not traditionally or 'functionally' tied to security. Viewed through the lens of a neo-liberal rationality, rather than targeting an identity for re-definition, in the case of the Aegis RLTs look at here, *a task has been targeted and re-defined to include embedded military intelligence and counter-insurgency functions.* Morerover, this neoliberal shift towards embedding a subsidiary security function into everyday tasks typically not associated with security is both a cause and an effect of the fragmentation of security governance central to a networked security governance model used in this dissertation.

On a more mundane level, Aegis' Security Escort Teams (SETs) were also tied into the ROC's overall intelligence function. Meeting the US military auspice's requirement to provide transportation and personal protection for government personnel 'to, while visiting, and from' project worksites, Aegis catalogued each insurgent attack on its large fleet of SETs into a large intelligence database.[329] While these armed escort teams did not have an intelligence or counter-insurgency task embedded into their security function, Aegis nevertheless used each of the 38 security escort teams to act as 'eyes and ears' as an appendage of its extended intelligence data collection apparatus.

Like the ROC and the RLTs, the SETs were also an integral part of the Aegis RSSS hybrid public-private security network and were co-located at various Coalition military bases around Iraq.[330] The NROC, for example, located in the international zone had seven SETs, while other security escort teams were embedded within various forward operating bases (i.e. small military bases) located throughout Iraq.[331] They also added to the overall size and breadth of operation of this macro-level private security network,

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[329] RSSS Performance of Work statement.

[330] These teams numbered three to four units and were comprised of armoured and modified civilian vehicles.

[331] Many, if not all, forward operating bases (FOBs) had Aegis security escort teams embedded within them. Each military administrative region (for example Gulf Region South) would have multiple FOBs (for example Hilah, Wassit, Diwaniyah, Kalsu, and Basrah) all had Aegis security escort teams on location. See Statement of Work pg 40.

with Aegis security escort teams conducting more than 21,000 private security details for military and CPA personnel across the country."[332]

Finally, Aegis' organization and management of the SETs also helps to highlight the ways in which private security firms engaged in the *practice* as well as the *design* of security governance in Iraq, and the extent to which this was expected as a matter of course from private security by their auspices and clients. Specifically, rather than being given a set of standard operating procedures for running the SETs and simply being left to implement them, Aegis was tasked by its client with proactively *adapting* the security escort team's tactics, techniques and procedures to counter terrorist methods and were required to develop and submit these techniques in their RSSS bid.[333] Thus, a close analysis of the Aegis RLTs and SETs reveal aspects of a hybrid public-private security network, the use of various techniques of a neo-liberal rationality strategy of indirect rule at a distance, and a degree of control of the content as well as the practice of Aegis' private security governance in Iraq.

3.8.7 *Case Study II Conclusion*

This analysis of the Aegis RSSS contract provided a detailed account of one of the largest and most important hybrid public-private security networks in Iraq. Its massive size as well as its unique role as operator of the only centralized oversight mechanism for private security helps to problematize state-centric assumptions about the intrinsically limited functional capacity of private security. The discussion of its networked organizational structure and its place within a broader security network comprised of other actors in Iraq helped illustrate the utility of the concept of a network

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[332] Steve Fainaru and Alec Klein. In Iraq, a Private Realm of Intelligence Gathering: Firm Extends US government Reach' *Washington Post* 01/07/07.
[333] Performance of Work Statement pg. 11.

as a descriptive analytical tool. Moreover, the discussion of the various methods of rule at a distance strategies used by various 'state' auspices to steer while Aegis rowed also helped to provide empirical detail to the hybrid aspects of this public-private security network. Finally, the neo-Foucauldian approach to the analysis of power used in this case study allowed for a detailed empirical study of a variety of techniques of a neo-liberal rationality of indirect security governance as well as the redefinition of tasks and actor identities these techniques of security governance are predicated upon.

3.9 *Chapter Conclusion*

An analysis of the private security companies operating in Iraq reveals a broader pattern of disaggregated security governance that upsets the proposition that the production and authorization of security is monopolised by the sovereign state. Instead, auspices of security governance exist above, below, and outside of the state, and even the 'state' itself has been divided into different nodes or authorizers of security. As IOs, foreign governments, NGOs, corporations and the PSCs they rely upon operate trans-nationally and create networks of fragmented security governance with Iraq, they also disrupt traditional patterns and theoretical assumptions about the relationship between authority, territory and security.

Private security has also been embedded in a hybrid relationship to the state itself. Hybrid public-private security networks constitute a new modality of security governance that blurs distinctions between the public/private and state/non-state, and open up complex questions about the power relationships inherent in these state auspice interactions with private security.

A new sociology of governance reading of rule at a distance that interprets these hybrid actors in terms of state steering and private sector rowing offers a useful angle for

addressing issues of the transfer of power inherent in the privatization of security. Yet these analyses must be sensitive to the often contradictory power effects of these hybrid relationships and the way in which they *extend* state power while simultaneously enabling private security to *penetrate* the state and empowering private security to implement security governance programs.

Alternatively, a neo-Foucauldian reading of rule at a distance brings a number of issues to light left hidden by alternative understandings of power. From this theoretical perspective, changes in the practice of security governance that entail the privatization of security are viewed in terms of a new neoliberal governmental rationality that redefines non-state actor identities and reassigns them new security responsibilities. The neo-Foucauldian approach's analytical sensitivity to the indirect techniques of neo-liberal governance allows various forms of self-regulation and governing through freedom to come into focus. Instead of attempting to measure the loss or increase of power—for either the state or private security—the neo-Foucauldian analysis demonstrates how both are implicated in a new technique of security governance that reassigns new roles for these actors that significantly reshape the way security is both authorised and implemented.

4   Iraq II: Micro-Level Security Networks, Rule at a Distance and Beyond: NGOs, PSCs, and Governmental Donors

4.1 *Introduction*

This chapter uses a series of detailed empirical case studies to map the complex network

of governmental agencies and non-governmental organizations (NGOs) that used

private security firms in Iraq between 2003 and 2007. On one level, this chapter's focus

on NGOs allows for a narrow emphasis on a particular type of auspice of private

security. In doing so, it contributes to the literature on private security by highlighting

the largely hidden and under-discussed phenomena of NGOs using private armed

security to protect their personnel during humanitarian missions in hostile

environments.[334] On another level, following the previous chapter's case study analysis

of macro-level security networks[335] operating in Iraq, this chapter shifts attention to

micro-level security networks. Understood metaphorically as operating at a capillary

level of security governance, the micro-level security networks analyzed in this chapter

provide examples of the small-scale hybridization and diffusion of security governance

that occurred throughout Iraq between 2003 and 2007.

The first two case studies discussed in this chapter focus on humanitarian mine action in

Iraq and analyze the interactions between the demining NGOs, public auspices and

private security firms that comprised these micro-level public-private security networks.

Both case studies are held up as examples of state *rule at a distance* whereby a state

agency acts as an auspice in a hybrid public-private security network to activate

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[334]For one example, see Christopher Spearin, 'Private, Armed and Humanitarian? States, NGOs, International Private Security Companies and Shifting Humanitarianism' *Security Dialogue* 39(4) 2008.

[335] For the purposes of this discussion, the term *macro-level* security network is used heuristically in opposition to the micro-level security networks analyzed in this chapter. Specifically, they refer to large-scale, state-wide, and centrally administered private security networks. The Aegis ROC network and the Erinys Oil Protection Force are referenced as examples of macro-level security networks.

resources and knowledge external to it to help it implement its political and security programs. A strict zero-sum reading of power between the various public, private, and non-profit nodes within these two hybrid public-private micro-level networks is eschewed in favour of tracing the processes by which the location of public authority over security governance—as well as the modality of its delivery—was changed. Contrary to a Realist analysis that would view these networks—and the private security and NGO nodes that exist within them—in terms of a simple extension of the state, this analysis illustrates a more complex restructuring of the authority and power over security governance where private actors play an active role in shaping, directing and implementing security policy.

In contradistinction to the first two case studies, the discussion of the NGO Institute for War and Peace Reporting (IWPR) provides an example of a micro-level security network operating *beyond state rule at a distance*. Rather than being embedded into a network with a public auspice and used to implement a public governmental policy, this NGO relied upon the legal space granted to it to use a private security company to act in pursuit of its own civil society goals *independently* of any direct public oversight or control. Far from being apolitical, this case study of a hybrid private-private (i.e. NGO-PSC) network provides a detailed discussion of the way an NGO designed and managed an armed security governance program without the managerial participation of the state. The following two sections of this chapter provide a discussion of the conceptual utility of micro-level security networks as well as a brief historical and explanatory context of the use of private security by NGOs within Iraq prior to introducing the three case studies themselves.

4.2 *The Concept of Micro-Level Security Networks*

The term micro-level security network is a descriptive tool used to map the concrete, changing modality of the provision of security in the form of hybrid networks at a peripheral and capillary level. The capillary characteristics that differentiate these micro-level security networks from their macro-level counterparts were essentially quantitative. For instance, the absolute number of people involved in these micro-level security networks was relatively small—i.e. occasionally comprised of perhaps less than two dozen individuals—in comparison to the thousands of individuals involved in Aegis and Erinys macro-level security networks. Thus, their actual imprint or security effect on their immediate surroundings was relatively minimal, sometimes covert when possible, and limited in both duration and frequency.

Here, the concept of micro-level security networks as capillary networks intentionally disrupts a Weberian Realist understanding of the political relationship between territory and coercion explicated in chapter one. First, the idea of a micro-level security network rejects the Weberian Realist position that defines politics, or rule, in terms of a compulsory territorial organization whose successful use of coercion is extensive in both size (i.e. territory) and time (i.e. permanent duration). This chapter illustrates that despite their limited size, scope and duration of operation, when taken together as a whole the myriad micro-level security networks that crisscrossed the country constituted a massive shift in the way security was managed and produced within Iraq. Second, micro-level security networks intentionally disrupt a Realist binary and zero-sum reading of power that relegates legal and small-scale organized coercion to a 'private' and 'apolitical' realm. Far from operating in private space, the micro-level security networks discussed below operated throughout the public territory of Iraq; far from being engaged in politically inconsequential coercion limited only to the members of its

own private group, the private nodes in these micro-level networks directly managed lethal force and implemented security governance programs that affected not only themselves but everyone around them as well.

The *peripheral* character of a micro-level security network's relationship to the state is also important. While the 'state' is still conceptualized as a meta-authority that provides the broad legal space and system of law within which these micro-level networks operate, central 'state' agencies are neither active nodes nor key participants within these security networks.[336] While a micro-level security network may have contained a public auspice (i.e. a sub-state or supra-state agency) as one of its constituent parts, they were nevertheless contractually and organizationally distanced from central and hierarchical government management, oversight and control. In practice this meant that—in contradistinction to macro-level security networks—micro-level security networks were either loosely connected or completely unconnected to the *central* governmental organs of the state. In practice this meant that on a day-to-day basis micro-level security networks often operated under the radar of the Coalition Provisional Authority, the US Embassy, and other central government bodies.[337]

Moreover, as the case studies indicate, these micro-level security networks also maintained a limited and somewhat haphazard (or even intentionally nonexistent) relationship to the broader web of security actors operating in Iraq. As a result, they

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[336] A detailed discussion of the legal framework governing private security in Iraq is beyond the scope of this chapter. On an empirical level, the laws, rules and orders regulating private security firms operating in Iraq evolved considerably over the 2003-2007 period. See: Jennifer K. Elsea, '*Private Security Contractors in Iraq: Background, Legal Status and Other Issues*' Congressional Research Service Report for Congress, August 25 2008. *http://www.fas.org/sgp/crs/natsec/RL32419.pdf.* On a theoretical level, a security governance approach and the micro-level security networks discussed in this chapter are still committed to legal formalism's meta-theoretical assumptions regarding public law and the de jure sovereignty of the state.

[337] In one of the most provocative examples of this, neither the US government nor the government of Iraq had a comprehensive knowledge of the number of private security firms operating in the country between 2003 and 2006. Moreover, no centralized database of such private security firms existed.

often operated independently from, and were often invisible to, other micro-level security networks in Iraq.[338]

Finally, with the use of detailed case studies involving sub-agencies of the US State Department (and other governmental sub-agencies), micro-level security networks help to empirically elucidate the previous chapter's claim that the 'state' may be usefully broken up into semi-autonomous auspices of security governance down to the sub-agency level. First, they illustrate the way governmental sub-agencies have been delegated budgetary and managerial autonomy through the process of subsidiarity[339] over the security requirements for their governmental programs. This, in turn, provides an illustration of the pluralization and fragmentation of security governance that has occurred horizontally to multiple sites (or nodes) within the state. Second, micro-level security networks demonstrate how this process of fragmentation described above has resulted in responsibility over security governance being a) *embedded* into new governmental sites and agencies not traditionally understood as having security responsibilities; b) allocated as an ancillary task attached to broader governmental programs; and c) connected to a host of non-state actors that provide private security *and* implement the aforementioned 'broader governmental programs.'

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[338] Dozens of interviews and other informal telephone and email correspondences between 2003 and 2007 with government agencies, NGO officials and private security company personnel underscored the extent to which these organizations were unsure of the extent, location and operation of other micro-level security networks operating in Iraq.

[339] Subsidiary is the principle that responsibility for carrying out a task ought to be delegated to the lowest level of government competent to it. See Les Johnston, *Policing Britain: Risk, Security and Governance* (United Kingdom: Longman) 2000. p.27.

4.3 *Historical Context of NGO use of Private Security in Iraq*

Though there are some limited examples of NGOs using PSCs for armed security in the past,[340] the post-2003 Iraqi conflict has become—as it has in so many other areas of the transformation of private security—both a highly unique as well as a watershed moment for the NGO community. This needs to be contextualized with three overlapping trends affecting NGOs that reached a critical mass in Iraq. First, a growing trend of attacks on humanitarian relief personnel throughout the 1990s reached its apotheosis in Iraq with the deadly August 19 2003 attack on the UN headquarters in Baghdad, an event that has been likened to the 9/11 attack in terms of its impact on the humanitarian community.[341] Second, this attack, coupled with a car bomb attack on the International Committee of the Red Cross's Baghdad headquarters in the same year, instigated a controversial reconsideration within the NGO world regarding the utility and morality of using armed private security services to help protect humanitarian NGO personnel and facilitate the safe completion of their social programs. For the majority of NGOs that entered Iraq in early 2003, the cost of moving from the traditional NGO security strategy of acceptance (focusing on the acceptance of the NGO's presence by the local population as well as belligerents) to a security strategy of protection or deterrence (an approach involving clandestine behaviour, hardened facilities and/or armed protection) was either ideologically unpalatable or financially untenable.[342] However, a minority of NGOs operating in Iraq were able to combine the ability to secure the necessary financial resources for hiring private security with an organization-level normative willingness to

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[340] For an early discussion of the intersection between PSCs and NGOs see "The Politicization of Humanitarian Action and Staff Security" the use of private security companies by humanitarian agencies" International Alert International Workshop Summary Report April 2001.

[341] 'UNHCR and the Current Security Environment' Alan Vernon Senior Partnership Coordinator, Emergency Security Service, UNHCR *Refugee Survey Quarterly* 23(4) p.147.

[342] Norman Stewart, Head of Security for NCCI NGO Coordinating Committee, Iraq. Email Correspondence. 09/27/07; See also: Alexandre Carle and Hakim Chkam, 'Humanitarian Action in the New Security Environment: Policy and Operational implications in Iraq', Overseas Development Institute, September 2006, pg. vi.

use them. As a result, a number of NGOs relied upon armed private security to keep their programs running during and after the NGO exodus from Iraq between 2003 and 2004. Third, by 2003, various public governmental actors at the state agency level and the supra-state agency level had, to varying degrees, successfully implemented 'responsibilization' policies to activate private, corporate and non-profit NGO resources to help them implement their 'broader' policies and political programs alluded to in the previous section. In line with government directives that had devolved the budgetary and managerial responsibility to multiple sub-agencies for turning to resources outside the state to help them implement their policies—and crucially, to provide the security necessary for implementing their policies—NGOs often found themselves contractually obligated to enlist the support of private security firms.

4.4 *Humanitarian Mine Action in Iraq I: The IMMAP Case: Introduction*

With a recent history of internal wars ranging from the 1980-1988 war with Iran, the first Gulf War in 1991 and the current conflict that began with the US-led Coalition invasion in March 2003, Iraq has been one of the most severely landmine, UXO, and AXO[343] contaminated countries in the world.[344] Millions of undocumented landmines and other explosive remnants of war (ERW) were scattered across Iraq, causing dozens of civilian casualties per month and constituting a serious humanitarian emergency. Because of this outstanding problem, the identification, safe clearance and destruction of Iraq's mines and ERW became a key goal for the various public and private actors— state agencies and International Organization donors, NGOs, and corporate deminers— that comprise the international mine action community.

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[343] This acronym stands for Abandoned Explosive Ordinance.
[344] Landmine Monitor, 2005.

Immediately following the fall of the Saddam government, various demining NGOs and for-profit corporations that had been pre-positioned in Kuwait began to pour into Iraq to implement a network of state, UN, corporate and NGO demining efforts. One such NGO involved in this effort was Information Management and Mine Actions Programs (IMMAP), an American NGO based in Washington, DC.[345] Specializing in information management systems and the provision of technical advisors in complex emergencies, IMMAP won a number of grants from various UN and US government agencies to aid in the early 'emergency' phase of the Iraq demining effort.[346] During their original entrance into Iraq—and prior to the UN headquarters bombing in 2003—IMMAP had followed their typical operating procedures and conducted their de-mining work without the security services of a PSC. However, in early 2004 IMMAP had been awarded grants by various governmental agencies to conduct a massive, nation-wide landmine survey at precisely the time when the deteriorating security situation had caused the majority of NGOs and demining firms to either curtail their work or pull out of Iraq completely. It was during this program that the NGO IMMAP became a node within a hybrid public-private (micro-level) security network and coordinated its work with a PSC for the provision of armed security services.[347]

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[345] Between 2003 and 2006 IMMAP was changed from an operationally independent affiliate of the NGO Vietnam Veterans of America Foundation (VVAF) to a separate and wholly independent NGO. To avoid confusion with VVAF, for the purposes of this study IMMAP will be referred to by its current status as an independent NGO.

[346] IMMAP had multiple contracts with UNDP, United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the US State Department to carry out humanitarian mine action work in Iraq in 2003. This work included providing personnel for the US State Department's Emergency Mine Action Team as well as the embedding in the UNDP office at the Coalition Forces (CF) Humanitarian Operations center to help disseminate public data on the location of Coalition munitions strikes for future UXO cleanup operations. Joe Donahue, Director, Information Management & Mine Action Programs. Telephone interview Washington DC. 02/05/08.
See also http://www.esri.com/news/arcnews/winter0405articles/iraqs-explosive.html
and IMMAP's website at http://www.immap.org.

[347] Some of the NGOs that left during this period included DanChurchAid, Handicap International, HELP, and Mine Advisory Group. Many for-profit demining contractors, such as Mechem, also left Iraq during this period. See http://www.icbl.org/lm/2004/iraq.

4.4.1 Multiple Public Auspices 'Within' and 'Above' the State: the WRA and the UNDP

Unlike many of the other security networks discussed previously, the demining program in question—the Landmine Impact Survey (LIS)—did not have the provision of security as its raison d'être. Instead, this micro-level security network's core function was locating landmines and other ERW as a precursor to destroying these mines and munitions at a later date. As such, security governance *per se* was merely one important responsibility tangential to this larger policy task. Nor was this network comprised of the by now familiar binary model of public auspice/private security implementing partner. Instead, it was comprised of *multiple* public auspices that each in turn activated NGO and PSC resources external to them to implement their landmine eradication policy.

During the course of the program, two distinct governmental donors provided funding and acted as public auspices for the LIS project. The first auspice as well as the largest donor was located 'within the state' as a sub-agency of the US State Department named the Office of Weapons Removal and Abatement (WRA). As part of its mission to remove explosive remnants of war worldwide, it awarded IMMAP a $4 million dollar grant that paid for the majority cost of the NGO's implementation of the Landmine Impact Survey. The second public donor that acted as a governmental auspice for IMMAP during the LIS program was not a state actor at all, but rather a United Nations agency located 'above the state.' This public auspice—the United Nations Development Program (UNDP)—awarded IMMAP a grant that paid for the associated personnel costs for IMMAP's Senior Technical Advisor during the LIS project. As a result of the combination of the State Department's sub-agency WRA and the UNDP providing funding and acting as dual auspices for this program, both the NGO IMMAP and the PSC it was networked to derived their meta-political authority from multiple sources—

and levels—of public governmental agencies. Moreover, operationally and contractually speaking, this authority did not emanate from the CPA or any other centralized state apparatus, but was located at the capillary level of the sub-agency of the State Department's Office of Weapons Removal and Abatement as well as the offices of the UNDP.

4.4.2 *Dual and Blurred Modalities of Public Control over Security Governance*

Importantly, while each governmental auspice provided funding for armed private security for IMMAP personnel during the course of the LIS program, the modality by which each donor provided this NGO with security differed significantly from each other. In the case of the State Department's WRA grant to IMMAP, the NGO's security was provided for via a pre-existing security and life-support 'umbrella' contract. This contract, set up with the private security firm Ronco Consulting Corporation, had been previously established by the DoS sub-agency WRA for the security of its own management personnel overseeing its demining work in Iraq.[348] Under this arrangement, the WRA maintained a direct contractual relationship with the PSC Ronco—and thus direct managerial control over—the private security services provided by Ronco for IMMAP's NGO personnel. Though Ronco would have significant input into the security process and therefore have influence over security governance, WRA did not allocate any security governance responsibilities to their NGO implementing partner.

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[348] Ronco, a firm with extensive demining experience of its own, had won a previous contract from the WRA to provide a host of life support and UXO-related services, up to and including the provision of static and mobile armed security services to its State Department client. Dennis Hadrick. Program Manager, State Department Office of Weapons Removal and Abatement, Telephone interview, Washington DC. 09/20/07.

However, public control over security governance within this hybrid security network was complicated by the UNDP's different approach to providing IMMAP with security. Due to restrictions placed on UN personnel after the attack on the UN Baghdad headquarters building, the UNDP had a much more limited physical managerial presence overseeing the LIS project than that of the WPA. Because of this limitation, the UNDP was forced to allocate more responsibility to IMMAP and rely more heavily on the NGO to act in its place, not merely as its implementing partner but also in a more general managerial capacity during the program.[349] This fact became apparent in the UNDP's approach to security governance within the LIS program.

Without the same type of contracted private security architecture enjoyed by the WRA in place prior to this international organization's deployment to Iraq, the UNDP was not in a position to 'extend' a private security umbrella similar to that of the WRA to their NGO implementing partner. Instead, the UNDP shifted the responsibility for the provision of security to IMMAP by requiring the NGO to include a 'security plan' with their original bid for UNDP funding for the LIS contract. Though the UNDP maintained the authority to approve or dismiss IMMAP's proposal, the actual content of the security plan—and hence security governance itself—was left to the NGO.[350]

In practice, this meant that the UNDP did not provide any set protocols for IMMAP regarding the use of private security firms, rules for the use of weapons, or rules for the use of lethal force.[351] Nor, once the UNDP awarded IMMAP the contract, did they offer any guidance on what kind of general security plan their NGO implementing partner should implement. Instead, the International Organization simply delegated the responsibility of making sure IMMAP's personnel had adequate security—as well as the responsibility of defining precisely what constituted adequate security—to the NGO

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[349] Joe Donahue, Director, IMMAP Telephone interview Washington DC. 02/05/08.
[350] Ibid.
[351] Confidential telephone interview, IMMAP personnel. Washington DC.

itself. The effect of this decision by the UNDP to refrain from giving specific security guidelines to their NGO partner meant that a considerable amount of control over the design and content of security governance was shifted from a supra-state public auspice to a non-governmental organization.

However, in practice, IMMAP did not use UNDP security funding to hire and then manage its own private security service. Instead, and with UNDP approval, IMMAP chose to incorporate their UNDP security funding into the private security management structure already put in place by the State Department's Office of Weapons Removal and Abatement.[352] Essentially, rather than build a redundant private security structure parallel to the Ronco PSC security structure already put in place by the WRA, IMMAP proposed to simply use the UNDP funds allocated for IMMAP's security to 'pay into' this WRA private security structure. Thus, while IMMAP was organizationally in a position under their UNDP contract to act in an oversight or managerial capacity over the PSC Ronco in a similar fashion to the public auspice WRA, it simply chose not to take on this role. In the words of a senior IMMAP official, "these [independent oversight] structures were in place, but we never needed to use them. We never had a problem with Ronco's service."[353] This decision made by IMMAP to use WRA's PSC security umbrella effectively *returned* (or re-embedded) a considerable amount of control over security governance within this hybrid micro-level security network back to the public sector, albeit tying it to a public auspice different from the UNDP (i.e. the WPA) connected to a different political institution (the United States) altogether.

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[352] Ibid.
[353] Joe Donahue, Director, IMMAP Telephone interview Washington DC. 02/05/08.

4.4.3 The Practice of Securing IMMAP Personnel During the LIS: Ronco's Low Profile

In practice, due to their contractual role as well as status as professional security experts, the actual day to day management of security matters was largely left to the discretion of the PSC Ronco.[354] Because of the nature of the Landmine Impact Survey project, the security work undertaken by Ronco for IMMAP personnel was relatively limited in comparison to the other case studies examined in this chapter. Designed to complete a survey of the location of landmines and unexploded ordinance throughout the country, the LIS relied heavily on interviewing people from local Iraqi communities familiar with the ERW threats in their immediate surroundings. As a result of this interview methodology, the vast majority of the LIS survey work was conducted using ninety Iraqi personnel hired by IMMAP and divided into very small two or three person teams that travelled discretely throughout the Iraqi countryside to various ERW contamination sites. Because of the success of this practice, Ronco and IMMAP decided—and their Iraqi personnel insisted—that the combination of stealth and local goodwill necessary for their work would be best achieved with an *absence* of Ronco personal security detail (PSD) teams.[355]

However, the western expatriate staff of this micro-level security network did rely upon Ronco for personal security detail services throughout their work in central and southern Iraq. In line with both IMMAP's and WRA's preferred low-profile approach, Ronco avoided large armored SUVs and instead used smaller—though occasionally armored—civilian vehicles when escorting IMMAP personnel.[356] In and around Baghdad, this

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[354] Under the terms of their contract with the WPA, Ronco was required to use its expertise as a security professional to make many of the decisions regarding the actual content of their security service. Dennis Hadrick, State Department Office of WRA 09/20/07.

[355] Telephone interview, Joe Donahue, IMMAP, Washington DC.

[356] This low-profile security approach favored by the network of WRA, IMMAP, and Ronco personnel can be differentiated from the more aggressive and 'high-profile' approach favored by the public-private network comprised of the US State Department sub-agency for Diplomatic Security and its three PSCs

included armed escort services to and from Baghdad International Airport as well as between their offices in the Green Zone and the offices of the nascent Iraqi National Mine Action Authority and other relevant government offices located in the increasingly insecure 'Red Zone' of Baghdad. In Southern Iraq, Ronco provided PSD teams for IMMAP movement between the Basra airport and port and their offices in the city of Basra, and later, in Azzubyar.[357] These Ronco PSD escorts typically consisted of three or four car convoys—with one lead scout car followed by the 'principle's'[358] car surrounded by a lead and tail car—with approximately a dozen Ronco security personnel armed with automatic rifles and RPK heavy machine guns.[359] Combined with their quick reaction teams and static security forces stationed at various WRA compounds Ronco's security team was small relative to its macro-level counterparts yet still constituted a considerable private security force in Iraq.[360]

4.4.4 *Case Study Conclusion*

The scope and the scale of work conducted by IMMAP—and by extension the work of its private security team—during the actual implementation of the LIS between June 2004 and November 2006 are impressive. During the course of the landmine impact survey, IMMAP surveyed 13 out of Iraq's 18 provinces, visiting over 12,000 communities and documenting over 2000 communities affected by landmines and other

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(Blackwater, Dyncorp and Triple Canopy). The significant difference between the two 'profiles' of private security provision, as well as lack of any operational or organizational coordination between the two sub-agencies, further underscores the value-added of an approach to the study of private security in Iraq that emphasizes the multiple sites or 'nodes' of security governance located within the state itself.

[357] Joe Donahue, Director, IMMAP Telephone interview Washington DC. 02/05/08; Dan Bowen, Director of Operations Iraq, Ronco Security. 09/27/07.

[358] The principle refers to the subject or object being guarded or otherwise receiving security.

[359] Dan Bowen, Director of Operations Iraq, Ronco Security. 09/27/07.

[360] A closer analysis of Ronco's security force under contract to the WRA follows in the next case study.

UXO from 3,673 suspected hazard areas.[361] Overall, the program was operated by a micro-level security network that included one supra-state auspice, one sub-agency auspice, one NGO implementing partner and one private security company. Though each of these actors were independent agents, the overlapping nature of their contractual and operational responsibilities as well as their shared demining objective and operational inter-reliance suggests a more complex hybrid and networked actor. While the overall effect of this security network was significant, the limited scale of its security 'footprint' and the fact that it operated at a capillary level with a US sub-agency auspice and limited centralized oversight makes it an example of a micro-level security network.

Importantly, since a state agency was embedded with an important budgetary and managerial function within this networked actor, the 'state' still played a significant role in 'steering' the actions of the non-profit and corporate 'rowing' implementing partners. However, with only a limited connection to the CPA and the fluctuating nature of sovereign authority in Baghdad, the WRA and the UNDP acted less as a unified and bureaucratically streamlined agent of a unified state or public authority, and more as loosely coordinated quasi-independent authorizers and managers of private security.

The decision by these two public auspices to incorporate the knowledge and technological resources of an NGO also had noteworthy effects on this non-profit organization. Specifically, the decision by the UNDP to responsibilise IMMAP with creating its own security procedures had a series of significant implications for the identity of the NGO as well as its relationship to security governance. First, without an internal set of standard operating procedures or guidelines regarding the use of weapons or armed security services, IMMAP's director was compelled to address these new

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[361] IMMAP website accessed on February 25 2008 at:
http://www.immap.org/joomla/index.php?option=com_content&view=article&id=57&Itemid=69

security governance responsibilities and create an internal policy document articulating the NGO's stance on weapons and private security.[362] Second, IMMAP had to adjust to a new policy of their governmental donors using international private security firms and the concurrent expectation that their NGO partners would be willing and able to work with armed private security personnel. Finally, in the case of their ongoing work with the UNDP, they had to adjust to the fact that as the IO's 'implementing partner' the door had been opened to the fact that they would now be contractually required to engage in the political process of selecting and even managing armed private security firms during the course of their demining work.[363]

For IMMAP, this use of armed security represented a significant shift away from established 'acceptance model' norms of the NGO development community. It also changed the character of IMMAP by transforming it from a purely demining and information management NGO into an organization with partial managerial responsibility for the PSC Ronco. As a result, the NGO IMMAP was also transformed into an organization at least partially responsible for security governance and the organization of armed coercion in Iraqi territory.

Ultimately, the NGO allocated much of this responsibility for security governance oversight to the US State Department's Office of Weapons Removal and Abatement. However, by this very action, or practice, of a non-state entity *giving or relinquishing a security governance role* to a state actor, we see a paradoxical reversal of the state-centric assumption that security governance devolution always flows in the opposite direction. The very fact that a non-state actor was placed in such a position vis-à-vis a state agency accentuates the de-linking of security governance from the state that is central to a study of security governance.

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[362] Joe Donahue, Director, IMMAP Telephone interview Washington DC. 02/05/08.
[363] Ibid.

4.5 *Humanitarian Mine Action in Iraq II: The IMCO Case: Introduction*

The Iraqi NGO IMCO[364] offers a second example of an NGO embedded into a micro-level public-private security network with the WRA and the PSC Ronco. In an effort independent of the UNDP that ran both prior and concurrently with the LIS program previously discussed, in September of 2003 the WRA financed the establishment of the Iraq Mine and UXO Clearance Organization (IMCO), the first Iraqi NGO specializing in de-mining.

As with the previous case, the private security provided by the PSC Ronco was instrumental in the implementation of this de-mining program. However, Ronco played a significantly larger role in this WRA-IMCO-Ronco micro-level security network than it did while providing security for IMMAP. This is due to the fact that the WRA had contracted Ronco to essentially 'stand up' the Iraqi NGO IMCO from scratch. In practice, this meant that Ronco had been hired to equip and train approximately one hundred Iraqi IMCO personnel in the use of metal detectors, mine detecting dogs and manual and explosive demolition expertise throughout the course of the contract.[365] At the same time, the Ronco Consulting Corporation was also tasked with providing security for the IMCO personnel it was training under the same umbrella security contract that the WRA used to provide security to the western advisers to IMMAP.

This security requirement for IMCO was considerably greater than that of IMMAP for a number of reasons. While IMMAP was able to rely on low-profile two or three person Iraqi LIS teams to clandestinely survey landmine sites, IMCO's work required it to

[364] IMCO is an acronym that stands for the Iraq Mine and UXO Clearance Organization.
[365] Dennis Hadrick, State Department Office of WRA 09/20/07. Ronco's training was made easier by their recruitment of former Iraqi military personnel familiar with demining techniques. The firm also trained IMCO managers and administrators. See also "Progress in Clearing Iraq's Landmine Legacy" Coalition Provisional Authority media note, December 12 2003 www.cpa-iraq.org/pressreleases/20031213a_mines.htm See also: www.state.gov/t/pm/rls/othr/misc/52830.htm.

move a large amount of equipment, mine detecting dogs and personnel to landmine and

ERW contamination sites across the country. This meant that the NGO could not rely

upon stealth for security in the same way that the smaller LIS teams were able to. The

problem of the NGO's visibility was also exacerbated by the fact that IMCO personnel

had to stay on site for considerably longer periods of time than their IMMAP

counterparts in order to carry out the slow and painstaking work of disposing of mines

and other ERW. This expanded exposure to potential security threats, combined with

actual death threats made against Iraqi IMCO personnel, heightened the level of security

the PSC Ronco would provide for IMCO.[366]

Moreover, unlike the Iraqi contingent on the LIS program, the all-Iraqi IMCO personnel

were essentially embedded from the outset within the WRA life-support infrastructure

in Iraq. This meant that IMCO offices, vehicles, equipment and training facilities were

all located within two purpose-built WRA compounds managed by Ronco in Baghdad

and in southern Iraq.[367] As a result, the IMCO's Iraqi NGO personnel enjoyed a

comprehensive and robust life support/security package that was significantly greater

that that undertaken for IMMAP during the LIS program.

4.5.1 *The Practice of Securing IMCO and WRA Personnel I: Micro-Level Compound Security*

A brief discussion of the two WRA compounds—the first located inside Baghdad's

Green Zone and the second located (at different times) in the southern cities of Basra

and Azzubayar—illustrates some of the typical characteristics of micro-level hybrid

public-private security networks. It will also shed light on some of the explicit roles and

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[366] Dennis Hadrick, State Department Office of WRA 09/20/07.
[367] IMMAP also had access to office space in the two WRA compounds. However, their much smaller presence and overall footprint constituted a much smaller security requirement for Ronco.

responsibilities the PSC Ronco was tasked with under its umbrella life support and security contract for the State Department's Office of Weapons Removal and Abatement. Overall, the WRA umbrella contract required the PSC Ronco to provide two fully secure and functionally independent bases of operations for the WRA and its implementing partners. The first and primary compound, located within the Green Zone of Baghdad, consisted of an enclosed space with a half dozen buildings. These included IMCO administration offices, classrooms, and UXO disposal equipment storage facilities as well as a maintenance facility for a one hundred IMCO vehicle car pool. Ronco also created a firing range and organized shooting and PSD escape drills for its WRA clients and also set up mock-battlefield UXO training lanes and dog training courses for its IMCO demining trainees within this enclosed compound.[368]

Despite being located within the relatively secure Green Zone, Ronco was contractually obligated to make security arrangements independent of the centralized security apparatus of the CPA Green Zone security forces. As a result, Ronco chose to surround the WRA compound itself with large concrete blast walls (or Bremer walls), rocket screens and guard towers. The compound also had its own Ronco-managed static and roving private security force. It was guarded by a total force of ninety Ronco-employed indigenous Iraqi security guards armed with AK-47s that were then divided up into units that operated on eight hour shifts and were managed by two Ronco western security personnel and a Jordanian ex-commando.[369] The compound also had its own gate, or vehicle entry control point, that was manned by armed guards responsible for stopping vehicles and conducting explosives checks. Ronco also stationed armed guards

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[368] Dennis Hadrick, State Department Office of WRA 09/20/07.

[369] This composite of Iraqi, third-country-national (TCN) and western security personnel was typical of PSCs operating in Iraq at the time.

within the series of towers along the walls at all times, and at night the perimeter of the compound was patrolled with roving armed guards and guard dogs.[370]

At the second WRA facility located in the southern Iraqi port city of Basra,[371] the Ronco-managed compound was secured using methods essentially identical to the Baghdad compound. However, the Ronco security team embedded within the Basra WRA compound also included a mobile private security Quick Reaction Force (QRF) as an extra layer of security. Located outside of the relative security of the Green Zone and unable to count on quick support from Coalition Forces in this more isolated region of Iraq, the Ronco QRF was designed to be deployed against any assault against the WRA compound perimeter.[372] It was comprised of two heavily armored and armed civilian vehicles commonly referred to as 'gunships' within the Iraqi private security sector and were designed for firepower unlike their more lightly armed variants used in escort missions. Each of these gunships were manned by eight Ronco guards armed with their personal weapons (including smoke and fragmentation grenades used to 'break contact' with their attackers) as well as RPK heavy machine guns.[373] Besides being designed to counter-attack any assault against the WPA Basra compound, these QRF teams were also tasked with coming to the assistance, if necessary, of any Ronco PSD team that had been assaulted while in transit in the region.[374]

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[370] Telephone interview, Dan Bowen, Ronco 29/02/08.
[371] This compound would later be relocated to Azzubyar.
[372] Dan Bowen, Director of Operations Iraq, Ronco Security. 09/27/07.
[373] Ibid.
[374] Ibid.

4.5.2 The Practice of Securing IMCO and WRA Personnel II: Micro-Level Mobile

Security

As typical of many private security contracts in Iraq, beyond the 'armed taxi service' and QRF functions described above, Ronco's work for IMCO also contained a mobile security element that included an armed convoy and a field security component. This armed convoy task involved Ronco providing security for IMCO personnel and equipment as it travelled from one of the Ronco-administered WRA compounds to the actual demining worksites that dotted the countryside. Depending on Ronco's perception of the level of threat, the PSC would escort the IMCO demining team convoy using low-profile armored civilian vehicles or a combination of these with more heavily armored and armed high-profile vehicles. Upon arrival and once the IMCO personnel were deployed at the UXO contamination site, Ronco would use a mobile security team of up to two dozen security personnel to create a secure perimeter around the NGO deminers as they conducted their work.[375] This maintenance of a secure perimeter included not only dispersing armed security personnel around the actual workers themselves, but also setting up *ad hoc* checkpoints along the roads that ran near the IMCO mine/ERW cleanup sites. Ronco did make active attempts to inform local area military commanders of the presence of these de-mining sessions both to avoid friendly fire incidents and to facilitate the possibility of military assistance in case of an attack by insurgents. However, these tactical level actions were left to the discretion of Ronco and involved personal and informal rather than formal interactions with Coalition forces.

This decision to set up road blocks in particular illustrates a number of important points. On the one hand, it illustrates the degree of latitude this PSC was given while

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[375] Telephone interview, Dan Bowen, Ronco 29/02/08.

implementing their security governance programs by its public auspice/client. On the other, it demonstrates a security governance technique that did not merely create a defensive security posture but rather implemented a future or risk-oriented proactive security method common to private security in general that had important political consequences. By setting up security checkpoint roadblocks Ronco forced civilians within this region to move through this territorially delineated zone of private security governance administered by Ronco for the duration of IMCO's fieldwork. Rather than simply creating a 'passive' personal security detail around the IMCO demining team, this mobile private security detail dramatically changed the security governance within a public territorial space. Contrary to a generalised Realist understanding of legitimate private coercion, this security governance was not restricted to 'members of its own group' nor did it take place within a private space. Instead, these road-blocks were set up on public roads and these Ronco security perimeters affected everyone that was either inside it or forced to move through it.

One further point can be gleaned from these temporary yet significant 'zones of security governance' specific to the operation of micro-level public-private security networks. The ability of the PSC Ronco to have the decision-making authority to set up checkpoints affecting general civilian traffic highlights both the *permissive* and *disjointed* environment these micro-level hybrid security networks operated in; examples of similar un-coordinated security governance decisions were replicated by other micro-level security networks across Iraq on any given day between 2003 and 2007. This fact resulted in Iraqi territory being divided up into a patchwork of zones of security governance—of various sizes, durations, and degrees of intensity—that were controlled by a myriad of private security companies. At the same time, this example illustrates the practical consequences of dispersing security governance responsibilities

to various sub-agency nodes within a state and how this directly resulted in a more

fragmented (and privatized) mode of security governance. The next section will address

the way Ronco managed this micro-level security network's interactions with other

security actors.

4.5.3 *IMCO's Networked Interactions with Other Security Actors*

This micro-level security network had a conditional relationship to the fragmented

patchwork of parallel and overlapping security structures and actors that operated in

Iraq during this period. As a hybrid public-private security actor in its own right, it was

also tied into broader security networks—both informal and formal—with a number of

different types of actors. As the security implementing node within its micro-level

security network, it fell within Ronco's area of responsibility to interact with the various

civilian authorities, PSCs, as well as military and police units from *multiple states* that

co-habited in the same Iraqi territory.[376]

The level of interaction as well as the number and types of security actors Ronco liaised

with varied geographically. For example, in southern Iraq, Ronco liaised with the

British Coalition forces stationed in the region, whereas in and around Baghdad, the

PSC created contacts with the US Coalition forces stationed in that area. Part of this

coordination with US and UK Coalition forces was facilitated by Ronco's participation

in the formal security network provided by the PSC Aegis via the Regional Operations

Center (discussed in the previous chapter).[377] However, in an observation that helps

substantiate the claim that micro-level security networks operated somewhat 'off the

radar' of central governmental bodies, in practice Ronco found the level of coordination

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[376] Telephone interview, Dan Bowen, Ronco 29/02/08.

[377] For example, Ronco outfitted its vehicles with the transponders connected via satellite to the ROC
surveillance system discussed in the previous chapter.

the formal ROC network provided rather limited. As a result, it developed and tapped into other informal and local security networks that existed independently of centralized military administration.[378] Other active attempts made by Ronco to coordinate its security governance role with more centralized governmental bodies also encountered problems. For instance, the ability of the PSC to gain Coalition identification cards for its employees that were ostensibly considered mandatory was routinely hindered by various bureaucratic obstacles.[379] As the security barriers (both physical and bureaucratic) the PSC encountered when attempting to gain access to CPA and US Embassy central staff increased, Ronco's security management decreased their attempts to interact with these central authorities.[380]

In its place, Ronco proactively created more informal and interpersonal networks with Coalition forces in their immediate area of operations. For example, Ronco initiated 'meet and greets' with local Coalition forces to announce their presence to local military commanders in an effort to create a positive and collaborative relationship as well as to avoid friendly fire incidents.[381] Simultaneously, Ronco encountered various Iraqi police and military units operating in their areas of operation and made a conscious effort— wherever possible—to use their Iraqi employees to create a rudimentary working relationship with these Iraqi security forces. These informal and often personal and *ad hoc* methods of integration with the multiple security actors operating in Ronco's area of operations help to illustrate both the fragmented and networked nature of security governance in Iraq overall, as well as the concrete methods by which Ronco—as the

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[378] Dan Bowen, Director of Operations Iraq, Ronco Security. 09/27/07.

[379] This was an extremely common problem for PSCs.

[380] Telephone interview, Dan Bowen, Ronco 29/02/08.

[381] For example, Ronco's Iraq Country Manager made it a point to personally introduce their security teams to every new military unit manning a checkpoint in an effort to familiarize them with Ronco's vehicles in an effort to avoid friendly fire incidents. This policy was also instituted with the belief that local commanders personally familiar with a PSC's operations in an area were also more likely to provide informal assistance in the form of information or even material or QRF support. Dan Bowen, Director of Operations Iraq, Ronco Security. 09/27/07.

sole private security provider within a micro-level public/private hybrid security actor—situated itself amongst these various security actors.

4.5.4 *The Global-Local Security Governance of a Micro-Level Security Network*

This next section illustrates the mode of WRA oversight of Ronco's umbrella security service and adds another level of empirical detail to the claim that the WRA acted as a semi-autonomous auspice of private security governance in Iraq. During the beginning of the IMCO demining program the WRA had a full-time member of its staff stationed in its compound in Baghdad's Green Zone. However, over time WRA removed its permanent presence from this facility and its method of oversight evolved into a system of 'remote management.' In this method, permanent WRA 'on-the-ground' program oversight was replaced by occasional field visits by personnel from the WRA Washington DC office.[382] A certain degree of centralized and on-site 'state' oversight was maintained via a State Department Embassy liaison officer stationed within the Green Zone. However, in practice, this essentially amounted to basic program auditing rather than a management process that had qualitative input into the actual demining-security program itself. Indeed, in a classic illustration of the 'capillary' nature of micro-level security governance, at no point during the duration of this contract did CPA or US Embassy staff give any orders or managerial requests regarding Ronco's security and life support work for WRA and IMCO.[383] Despite the fact that the higher governmental echelons at the US Embassy in Baghdad were located just down the street from the WRA Green Zone compound, the bulk of the actual program oversight was now being handled remotely by the WRA personnel in Washington, DC.

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[382] Full-time on-site WRA personnel at the Baghdad compound ended at the end of 2004. Dan Bowen, Director of Operations Iraq, Ronco Security. 09/27/07.
[383] Ibid.

As a result, the majority of the interaction between the auspice WRA and its PSC implementing partner Ronco became long distance and reliant upon telephone and internet communication. These two nodes in this micro-level hybrid security network *jointly determined* that Ronco would email the WRA's Washington DC offices situation reports on a regular weekly as well as monthly basis. Unscheduled telephone calls were a daily occurrence and situation reports (sitreps)—involving, for instance, PSD teams receiving small arms fire—were emailed by Ronco staff to WRA's Washington DC offices immediately after such an incident occurred. [384] At the same time, face to face meetings between Ronco and WRA were also conducted in the US, and were facilitated by the fact that Ronco's Washington DC offices were only a ten minute walk from those of WRA. This proximity allowed WRA personnel to personally discuss issues with Ronco management in DC who would then relay their client's directions back to their employees in Baghdad and elsewhere.[385]

This section's analysis of the oversight mechanisms put in place by the WRA to monitor Ronco's security work within this micro-level security network illustrates two important aspects of a security governance perspective. First, it offers a detailed study of how a governmental sub-agency becomes a site of security governance. It shows how such an office became transformed into a public auspice of security governance and how it also became a single node—fused with a private security firm and an NGO—into a micro-level hybrid security network. Second, it dramatically illustrates the global/local nature of the interactions between the WRA auspice and the PSC implementer that comprised the security governance embedded within this demining program. This was accomplished by documenting the 'remote control' oversight mechanisms that were

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[384] WRA also instituted a six month award assessment fee board to determine the quality of the service provided. Dan Bowen represented Ronco during these meetings. Dennis Hadrick, State Department Office of WRA 09/20/07.
[385] Ibid.

largely tied to internet and telephone connections between Washington DC and Baghdad Iraq, existing at a distance of over 6000 miles.

However, it is also important to stress that the actual *content* of the security service was left largely in the hands of Ronco itself. In the words of one WRA official,

"[w]e really relied on their SME [subject matter expertise] when it came to security. We were using performance based contracting. We'd tell them the results we wanted...for example, we would tell them to take adequate measures to protect our people, or property against sabotage...*not how to do it.*" [386]

Ronco's assessment of this relationship directly supports this description. In the words of Ronco's Iraq Country Manager, "We said how we think it should be done, and they said do it."[387] Though the decision regarding the overall low profile approach to security during the LIS contract was shared by IMMAP and WRA personnel, the actual authority to decide when more robust security measures were required—including the establishment of a gunship QRF for their IMCO operations—was left to the discretion of Ronco. Indeed, the very fact that the WRA hired Ronco precisely because of its professional security 'subject matter expertise' as a private security firm became a rationale for ceding this decision-making authority over security decisions to the PSC.[388] Throughout the course of the contract, this ability to affect security governance held by the PSC manifested itself in every security decision made in the management of the WRA compounds, the PSD teams, and other forms of mobile security provided to WRA State Department, IMMAP, and IMCO personnel.

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[386] Ibid.

[387] Dan Bowen, Director of Operations Iraq, Ronco Security. 09/27/07.

[388] See professional expertise as a source of 'private authority' in The Emergence of Private Authority in Global Governance. Rodney Bruce Hall and Thomas J Biersteker [eds.] Cambridge University Press 2002.

4.5.5 *Case Study Conclusion*

Overall, this case study—as well as its predecessor—has demonstrated how the neo-liberal responsibilization strategies that have transformed the way public actors activate non-state actors to implement their political programs can also change the modality of security governance. With a focus on micro-level security networks, they also illustrated the way sub-agency auspices—such as the WRA—have themselves become important quasi-independent authorizers of security governance. Importantly, this focus on the capillary level of security governance also illuminated the way these micro-level hybrid security networks maintained a considerable amount of independence—and organizational and managerial distance—from centralized governmental bodies like the US Embassy. However, while these networks empowered private actors with security responsibilities in new ways, they also retained a degree of direct public governmental guidance by maintaining a physically embedded state sub-agency presence within this hybrid security actor. As a result, a public auspice maintained a considerable ability to 'steer' security governance within this network even as a private security company 'rowed' to implement it. This next case study moves away from the hybrid public-private network model and instead examines an NGO that operated in Iraq with an armed private security firm without being embedded into a network with a public auspice.

4.6 *Civil Society Building in Iraq: The IWPR Case: Introduction*

The Institute for War and Peace Reporting (IWPR) case departs from previous analyses of government techniques of 'rule at a distance' and instead provides us with an

example of security governance *beyond rule at a distance.*[389] Instead of acting as an implementing partner for a public auspice while embedded within a hybrid public-private security network—such as IMCO and IMMAP in the cases above—this study exemplifies an instance where an NGO used private security to help it implement *its own* policy goals while outside of state structures and state direction.

While a governmental auspice did play a role in funding the work IWPR conducted in Iraq, this public actor did not act as an auspice within the security network itself. This case study, then, provides an example of an NGO acting as an auspice for a PSC within a hybrid private-private security network at the micro-level. It also documents the techniques used by the United Kingdom Department for International Development (DfID) to exert influence over IWPR security decisions and discusses what this means for security governance in general.

4.6.1 *NGO as Auspice: Security Governance Beyond Hybrid Public-Private Security Networks*

While the IWPR website describes itself as 'an international network of three organizations,' it is essentially an international NGO registered as a non-profit or charity governed by a board of directors in three countries (the UK, the US and South Africa).[390] Organized with the mission to 'build peace and democracy through free and fair media,' IWPR has sent its personnel into conflict zones around the world to provide professionalization training and capacity building support for local independent news reporting.[391] With this goal in mind, the IWPR London office created a Middle East (Iraq) program and sent a team to Iraq in June of 2003 to identify, train, and commission

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[389] Clifford Shearing 'Thoughts on Sovereignty' *Policing & Society* 14(1) 2004 p.9.
[390] See IWPR website:
http://iwpr.net/index.php?apc_state=henotop_trustees_euro.html&s=o&o=top_trustees_int.html.
[391] Ibid.

qualified politically independent Iraqi journalists and editors. Relying on multiple sources of funding to carry out this project—e.g. its own funds, private donations and government agency grants—between June of 2003 and October of 2005 IWPR established offices in Baghdad and throughout Iraq to enhance Iraqi civil society by training and mentoring local journalists.[392]

IWPR's relationship to security governance differed considerably from that of IMMAP and IMCO. Whereas the contracts IMCO and IMMAP had with the WRA gave them access to Ronco's security umbrella contract, IWPR set up its operation independently from any such public actor and was therefore responsible for independently providing its own Iraq project with security. In its effort to accomplish this security task, IWPR relied on contacts on the ground it had developed prior to the actual launch of their Iraqi program to acquire a small local bodyguard force. Between June 2003 and October of 2004, in a move that significantly differentiated them from the previous two NGOs analyzed, IWPR *directly hired* local armed security guards who also acted as drivers for the NGO's expatriate staff.[393]

IWPR first contacted a PSC in August of 2003 after the bombing of the UN headquarters building. Though IWPR originally refrained from using a Western PSC for armed security work—preferring their own in-house Iraqi security team—the severity of the UN attack compelled them to turn to a PSC for security advice. Specifically, IWPR contacted AKE, a British PSC specializing in the provision of security for NGOs, to conduct a number of security reviews for the NGO's recently rented office space in Baghdad's 'Red Zone.'[394] These security reviews conducted by AKE consisted of

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[392] A mmar Al-Shahbander, Iraq Program Director, Institute for War and Peace Reporting. London. 10/13/2005. The other office locations included Sulimani and Irbil. IWPR also had coordinators in southern Iraq.
[393] Ibid.
[394] Ibid. The "Red Zone" is the name given to the large section of Baghdad that is outside of the secured CPA "Green Zone."

several site visits to the IWPR Baghdad offices, during which time they advised IWPR personnel on how to best secure and fortify their office space.[395] During these visits AKE also advised the IWPR Iraqi security guards on simple enhancements to their security procedures.

During this sixteen month period, IWPR acted with complete independence from any government or public agent guidance with respect to their security decisions. The decision by IWPR to set up its own armed local armed guard force was done without any consultation with a government agency, and IWPR's primary governmental donor—the British Department for International Development (DfID)—did not have any input into its NGO grantee's self-provision of armed security for their work in Iraq. Moreover, only after the NGO had independently decided that the attack on the UN meant that a serious deterioration in the security environment required additional consultation with a professional private security company did they then decide to contact AKE.

However, this changed dramatically in October of 2004 when the videotaped beheading of a British aid worker prompted a public outcry in the UK and a quick government reassessment of the security precautions of British citizens working for the British government in the private and non-profit sectors.[396]

4.6.2 *Contested Security Governance: A Governmental Donor and IWPR Collide*

In the days immediately following the beheading of Ken Bigley, the IWPR Baghdad office was informed by DfID of a new 'unofficial policy' that all of its grantee NGOs

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[395] Ammar Al-Shahbander, Iraq Program Director, Institute for War and Peace Reporting. London. 10/13/2005.
[396] 'British Hostage Ken Bigley Dead', *Independent* October 8 2004.
http://www.independent.co.uk/news/world/middle-east/british-hostage-ken-bigley-dead-543061.html.

would be required to have their offices located in the secure Green Zone.[397] The IWPR

Iraq office immediately refused to comply with this DfID request on the grounds that

their entire operational philosophy was tied to their co-habitation with the Iraqi public.

More specifically, the NGO wished to remain *geographically* unassociated with the

CPA Green Zone and *symbolically* unassociated with the military occupation of Iraq by

staying headquartered in the Red Zone. Absent the political or even contractual

authority to demand IWPR comply with its wishes, DfID responded to IWPR

intransigence with a compromise position tied to an ultimatum. In effect, DfID

demanded that IWPR hire a Western PSC or face the withdrawal of DfID funding for

their program, a move that would effectively force IWPR to leave Iraq.[398] Under this

pressure, IWPR complied with this demand and was immediately granted an emergency

budget cost extension by DfID to cover the additional cost of hiring a PSC.[399]

Although DfID did not act as an auspice for IWPR, and despite the fact that it was not

able to contractually or legally deny IWPR the ability to manage its security within Iraq

as the NGO saw fit, this government department nevertheless was able to use the threat

of a withdrawal of crucial future funding to coerce IWPR into making a concession.

While IWPR maintained its location in Baghdad's Red Zone against DfID wishes, DfID

was able to impose the use of a Western PSC onto its grantee.

Ironically, while this decision by DfID effectively *decreased* IWPR's autonomy over its

general approach to security, in practice it translated into an *increase* in this NGO's

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[397] A mmar Al-Shahbander, Iraq Program Director, Institute for War and Peace Reporting. London. 10/13/2005.

[398] Confidential telephone interview with IWPR employee. 10/15/05. The degree of coercion employed by DfID involved in this process was not advertised and government language describing this process differed from the NGO account considerably. According to a UK Parliament website, "DFID has offered NGOs which we are supporting additional finance for increased security [in Iraq] if needed." See http://www.publications.parliament.uk/pa/cm200405/cmselect/cmintdev/244/244we02.htm Accessed March 12 2005.

[399] This was not an isolated case. By early 2004, DfID had diverted over 278 million pounds from its reconstruction budget to help pay for increased private security. See Robert Fisk and Severin Carrell, "Occupiers Spend Millions on Private Army of Security Men" *Independent* March 24 2008.

control over security governance. Indeed, DfID's oversight of the security funding it provided for IWPR was the least intensive of the governmental donors studied. In a process similar to that of the UNDP relationship to IMMAP, no advice was given to the NGO on what security firm to hire, what methods of security the PSC should provide, or how the contract should be managed.[400] DfID disengagement even extended beyond that of the UNDP to the extent that it *did not require* IWPR to request permission (or otherwise notify) DfID regarding its plans to use private security or the security governance techniques it would employ. The IWPR Iraq Program Director made this point by bluntly stating that 'DfID didn't interfere with [our] management of this private security company.'[401]

4.6.3 *The Practice of Securing IWPR Personnel: An NGO Manages Private Security*

Upon receiving the DfID security emergency funding, IWPR immediately approached three UK PSCs that they were familiar with. IWPR contacted Chiron, Centurion and AKE—all of which had already been set up and operational within Iraq—and selected Chiron for the security contract. The nature of this contracted security service differed significantly from the previous case studies. Specifically, the IWPR Iraq field office did not want to yield the type of operational control over the organization's movements or security methods to the PSC in the same way WPA had done under Ronco's security umbrella contract. Describing the process of allowing a PSC to make tactical security decisions in the field as a process of 'giving up a lot of rights and taking on a lot of obligations [to the PSC]' the IWPR Iraq Program Director chose to hire Chiron in an

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[400] DfID did attach a single and generic stipulation to this funding; namely, that IWPR hire a British PSC.
[401] A mmar Al-Shahbander, Iraq Program Director, Institute for War and Peace Reporting. London. 10/13/2005.

advisory capacity that left a great deal of discretion over security governance to IWPR.[402]

In practice, this meant that IWPR—in contradistinction to the experience of both IMMAP and IMCO—maintained considerable control over the overall content, management, planning and implementation of the security service that Chiron provided. This hands-on approach manifested itself in a number of different ways. First, the IWPR Iraq field office selected two Chiron security personnel from a list of curriculum vitae provided by the PSC, specifically requesting individuals with a background in foreign military training and security management to help train their local Iraqi security team.[403] Second, IWPR refused to follow the State Department Office of Weapons Removal and Abatement technique of simply explaining to the PSC what security outcomes they wanted while leaving the selection of the means to achieve these ends to the PSC itself. Instead, IWPR created a detailed twenty-eight page document outlining the duties and security policies the PSC was expected to adhere to.[404] Importantly, in a decision that illustrates the extent to which IWPR was removed from the CPA or other governmental oversight of their security governance, the NGO did not stick to, *or even read*, the CPA's published regulations regarding the PSC rules for the use of force when creating their NGO security document. Instead, they relied upon the in-house experience of its team to draft these rules.[405]

During the course of the contract, IWPR tasked Chiron with the following duties: training the IWPR Iraqi guard force; managing the logistics for IWPR movements around Baghdad; fortifying the IWPR Baghdad compound (including reinforced doors,

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[402] A mmar Al-Shahbander, Iraq Program Director, Institute for War and Peace Reporting. London. 10/13/2005.
[403] Ibid. The Chiron personnel IWPR selected had experience in the SAS and MI5.
[404] Ibid.
[405] Confidential telephone interview with IWPR employee. 10/15/05. It needs to be pointed out that IWPR's rules for the use of force were very strict and were compatible with the broad guidelines created by the CPA.

fencing, and the planning of escape routes); providing IWPR with a weekly security assessment and intelligence report; and providing close protection for IWPR personnel.[406] The NGO Iraq office also created its own five-tiered threat level schemata—complete with a variety of security indicators—to work out, in advance, what security procedures the PSC would implement under various security conditions. This was created for the express purpose of maintaining NGO command and control over its own movements within Iraq.[407] Since IWPR had a very small British expatriate staff and worked with a small number of Iraqi journalists, these movements relied heavily on stealth and maintaining a low security profile rather than a heavy and visible PSC presence. Though the two Chiron security personnel did in many respects 'manage' IWPR's security by constantly adding input into the decision-making process, the existence of an independent in-house NGO armed security team combined with the contractual arrangements outlined above gave the NGO considerable managerial discretion in their own security provision. Moreover, without any public auspice embedded into this decision-making process, the NGO was also effectively participating in a form of security governance from a position 'beyond the state'. This latter point will be elaborated below.

The emphasis the IWPR's Iraq office placed on maintaining managerial control over security policy extended beyond its relationship to the PSC Chiron. It also occurred both *internally* within IWPR as an organization and, more importantly, *externally* in its dealings with various governmental authorities in Iraq. First, though IWPR officially maintained a 'no weapons' policy—claiming like many NGOs that they did not use weapons—in reality the local IWPR program officers had a considerable degree of

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[406] Ibid.

[407] Ibid. It was common practice in Iraq for PSCs to have the contractual right to ultimately decide if a scheduled movement by its client was too dangerous to carry out for security reasons. IWPR's threat matrix, worked out with Chiron in advance, was designed to keep this decision-making authority with the NGO rather than ceding it to the PSC.

autonomy from the home office. In practice, this autonomy meant that the security

policies set up on the ground in Iraq were enacted without informing the IWPR London

office with the details.[408] The methods used for getting around this official IWPR ban

on the use of weapons included obscuring budget allocations used for purchasing

weapons by giving money to the security personnel to make these purchases instead of

having IWPR purchase them directly.[409] At the same time, their Iraqi security guards

also brought with them their own weapons—including hand grenades—that were

ostensibly used to protect IWPR personnel but which were considered the 'personal

private property' of their guards.[410] This official 'no weapons' policy also had the

unintended consequence of creating a lacuna of weapons-use guidelines internal to the

NGO. As a result, the IWPR Iraq office created its own weapons 'rules of engagement'

for both its in-house employees as well as the Chiron security contractors under their

employment.

The second decision taken by the IWPR Iraq office to maintain its autonomy had direct

ramifications for governmental oversight of its security governance. Instead of

participating in formal networks (such as the ROC) or actively making attempts to keep

in regular contact with the CPA or other governmental agencies, IWPR *expressly*

requested that Chiron *refrain* from engaging in either formal or informal networks with

the government agencies or Coalition military forces operating in Iraq.[411] On the one

hand, this stance was adopted by IWPR to 'deny the PSC more leverage in command

and control issues' pertaining to the NGO's movement and actions in Iraq.[412] On the

other hand, this position was simply an extension of its philosophy that led it to avoid

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[408] Confidential telephone interview with IWPR employee. 10/15/05.
[409] Ibid.
[410] Ibid.
[411] Ammar Al-Shahbander, Iraq Program Director, Institute for War and Peace Reporting. London. 10/13/2005.
[412] Ibid.

being headquartered in the Green Zone in the first place; along with many NGOs operating in Iraq, IWPR wanted to keep as much of a symbolic and operational independence from the CPA and the Coalition occupation of Iraq as possible. This decision to intentionally avoid any coordination with the CPA or Coalition forces—combined with the absence of an embedded governmental auspice and the creation of its own rules for the use of force—meant that this micro-level hybrid security network had effectively engaged in security governance beyond the state.

4.6.4 *Case Study Conclusion*

By independently entering Iraq and hiring an armed security team, IWPR had removed the state from any direct role in either the authorization or the implementation of its security governance. Overall, though DfID *did* provide crucial funding for the IWPR Iraq program, the NGO implemented its own policy rather than that of a government agency. The fact that IWPR was not engaged in the type of hybrid public/private network that maintained an embedded governmental managerial element (as witnessed in the previous two cases) underscores this point. As a result, IWPR operated in terms that cannot be encapsulated by the concept of 'rule at a distance' where a state agency steered a policy while a private actor rowed.

While DfID was able to use its role as a crucial donor to coerce IWPR into hiring a PSC, this decision merely affected the *level* of security enjoyed by the NGO. It did not empower DfID to participate—as an auspice within a hybrid security network—in the actual content of this security governance. Indeed, it paradoxically increased the degree to which its NGO donor engaged in security governance beyond public oversight or control. Finally, the unilateral decision made by IWPR not to allow the PSC Chiron to coordinate its security activities with the CPA or other governmental agencies—

combined with the *sole discretion* IWPR had over the content and management of its multi-tiered private security force—further illustrates that this NGO engaged in security governance beyond the state. While the CPA did provide the meta-political authoritative framework within which IWPR—as a legitimate NGO—was legally authorised to use armed private security, the fact that IWPR wilfully ignored the CPA orders and memorandums regarding the use of force and instead relied on their own norms[413] of security governance further compliments the idea of IWPR as operating beyond state rule at a distance.

4.7 *Chapter Conclusion*

By focusing on three case studies involving the use of private security by non-governmental organizations, this chapter contributed to an under-researched area of private security studies. Its introduction of the micro-level security network also provided a conceptual device that connected this NGO-PSC relationship to important processes of governmental restructuring. Specifically, micro-level security networks provided empirical depth to this dissertation's claim that security governance responsibilities have been dispersed away from the state's centre, both *horizontally* across various state agencies as well as *vertically* to state sub-agencies and supra-state agencies.

Micro-level security networks highlight the way these newly created auspices of security governance did not have an indigenous capacity to provide or implement security, thereby necessitating partnerships with private security. At the same time, these micro-level security networks demonstrated how security requirements could be

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[413] On this point IWPR—as a Western NGO—was clearly influenced by and broadly operated within Western norms regarding how coercion ought to be governed. The point I am making is that they explicitly relied upon their own judgment—as opposed to CPA regulations—when creating their guidelines for the use of force.

embedded as an ancillary function into ostensibly non-security-related governmental tasks such as de-mining. By re-distributing responsibility for security to the lowest levels of government, this logic of subsidiarity had not only forced these governmental nodes to 'activate' resources external to the state, but had also allowed private security to 'penetrate' the state within new (and counterintuitive and unexpected) agencies or nodes. The simultaneous state 'activation' of private security and private security's 'penetration' of the state involved a complex networked restructuring of security governance not easily encapsulated within a binary and zero-sum power analysis of the state and private security.

As a result, these three cases studies provide a two-pronged analysis of private security in Iraq—and its relationship to the state—without simply identifying the growth of private security as *ipso facto* a loss of power for the state. In the first two cases, a horizontal or nodal view of the state was combined with the concept of hybrid public/private networks to discuss power in terms of state 'rule at a distance'. Yet this did not result in a simple increase in state power. Instead, the activation of non-state resources to assist in the implementation of governmental programs paradoxically *increased* the control these state auspices had over security governance even as it simultaneously *decreased* state control by adding new actors into the security process.

Crucially, however, this chapter also moved beyond such binary analyses of a 'loss' of state power to map the new modality of public/private security governance as well as the multiplication of the 'sites' (or auspices) of public security governance. The studies of the US State Department Office of Weapons Removal and Abatement's use of the demining NGO's IMMAP and IMCO and the private security company Ronco illustrate these public/private security networks in action, and give a concrete detailed account of this government 'rule at a distance.'

The last case study involving the NGO Institute for War and Peace Reporting (IWPR) provided an example of security governance that operated *beyond* the model of state rule at a distance. Rather than being tied into a hybrid network while acting as an implementing partner for a governmental auspice, the NGO IWPR effectively acted as a private auspice, managing and directing both its in-house private security force as well as its contracted PSC. While its non-profit work and the security provided by the PSC Chiron were heavily subsidized by DfiD—thus helping underpin the NGO's legitimacy as a private auspice of security governance—the government agency was in no way embedded into the security management process of this PSC. It is true that IWPR operated within the legal parameters of the meta-political authority of the CPA, since the Coalition Provisional Authority formally allowed NGOs to act as security auspices. However, this does not diminish the fact that this non-state actor was directing security governance independently of—and with an intentional distance from—any state guidance or direction. Thus, while IWPR did not pose any direct challenge to the authority of the state, it was still involved in independent, politically significant and legitimate security governance within Iraq. In this instance, IWPR and its PSC implementing partner were not 'rowing' as the state 'steered' a particular government program, but instead were enacting their own political security governance program 'beyond the state' and its direction or control.[414]

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[414] Clifford Shearing, 'Thoughts on Sovereignty', *Policing and Society'* 14(1) 2004 pg. 9.

5 Maritime PSCs and the Entrepreneurial Use of International Law: The Dispersal of Meta-Political Authority over Security Governance

5.1 *Introduction*

Piracy,[415] once generally perceived to have been eliminated as a security threat to states

and international commerce alike, has again gained recognition as a significant problem

for the international community. Tankers and other sea-going transports carrying

expensive cargo while travelling through international shipping lanes in the Malacca

Straits and the Gulf of Aden have become the targets of increasing numbers of pirate

attacks, and the assaults themselves have also become more violent.

At the same time, the inability of weak or failed states such as Somalia to effectively

patrol their territorial waters has caused an increase in piracy and other forms of

criminal predation—including violent and heavily armed illegal fishing operations—

trawling up and down their un-governed coastlines. These weak and failed states have

played host to piracy as both a traditional crime of opportunity and also as a form of

organized crime, with criminal pirate syndicates planning the theft of valuable ship

cargoes and increasingly kidnapping crews and holding them for ransom.

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[415] This chapter follows the International Maritime Bureau (IMB) by defining piracy as 'an act of boarding or attempting to board any ship with the apparent intent to commit theft or any other crime and with the apparent intent or capability to use force in the furtherance of that act.' See "Piracy and Armed Robbery Against Ships", Annual Report, International Chamber of Commerce, International Maritime Bureau, January 31 2006.

Moreover, since 9/11, this vulnerability of international shipping to piracy has been increasingly viewed as a potential terrorist threat by the United States and other states. Fears that terrorist organizations may synergize political violence with the methods of piracy in an effort to either damage the global economy or to mount a large scale 'spectacular' terrorist attack against a major port have become a serious concern.

Against this backdrop of the re-emergence of piracy as a security threat, this chapter applies a security governance analysis of two instances of maritime private security operations between 1999 and 2005. It provides a significant contribution to the literature on private security by providing an empirically rich examination of the largely unexplored yet increasingly significant field of maritime private security services.[416] The first case study analyses the efforts of a private security company to eradicate illegal and violent piratical fishing operations on behalf of the government of the quasi-state Puntland State of Somalia. In a fashion similar to the Erinys Oil Protection case, the Puntland case study examines the power dynamics within the hybrid public-private security network created between the PSC Hart and their government client as well as the effect that this contract had on security governance in the Gulf of Aden as a whole. The second case study examines private security providing armed anti-piracy vessel escorts for commercial ships through the Malacca Straits. This case moves away from a study of a hybrid public-private security actor and instead shifts attention to a private-private (i.e. PSC-commercial client) actor. In this instance, the interactions between this hybrid private-private security actor and the local littoral state authorities are discussed in terms of a broader and informal security network.

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[416] The significance of the maritime private security sector experienced another spurt of growth as a result of an sharp hike in Somali piracy. See: Patrick Cullen, 'Combating Piracy in the Gulf of Aden with Public and Private Security' (Washington DC: *Journal of International Peace Operations*) October 26 2008.

On another level, this chapter continues to elaborate the theoretical and practical ramifications that the de-coupling of exclusive meta-political authority over security governance from the state has for the study of private security. Specifically, this chapter empirically demonstrates the way private security has used international law as an alternative source of meta-political authority for their security governance programs. By moving away from state-authorized security governance via an entrepreneurial use of international law, the security programs engaged in by these maritime PSCs constitute a radical challenge to the Realist proposition that the state maintains a monopoly over the meta-political authority to legitimate security governance. Moreover, as these global private security actors link their security programs to the meta-political authority of international law, this process also displaces the state and reconstitutes the relationship between authority, coercion, and territory—and hence the nature of security governance itself.

5.2 *From a Multi-lateralization of Auspices to a Multi-lateralization of Meta-Political Authority*

Previously, in the work on Iraq, the concept of an auspice was used heuristically to highlight the way in which multiple actors—both public and private, within the state and external to it—have acted as agents that 'authorise' private security to implement various security governance programs. Here, authorization essentially referred to the *actual practice* of auspices hiring, directing, designing the program content of, and otherwise managing the actions of armed private security companies. This auspice-centred notion of authority was necessary because the alternative state-centric proposition that state's monopolized authority over security had masked important

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changes taking place (i.e. multi-lateralization and privatization) in security governance. It also argued that state-centric models that assumed states continued to hold a monopoly on authority over security governance were ill-suited for an analysis of hybrid public-private security networks.

However, while the dual chapters on Iraq intentionally decentred and deconstructed the state's authority over security governance, it did not offer a substantive empirical demonstration of the dispersion of meta-political authority away from the state. Indeed, on the contrary, these chapters acknowledged that the state retained a somewhat privileged relationship to authority—embodied in its legislative powers and scope of legal jurisdiction—that differentiated it from private auspices of security governance. For instance, chapter three demonstrated this point by indicating that the authority of private (e.g. corporate) auspices to hire PSCs and engage in security governance within Iraq was typically an explicit legal right conferred or granted to these private actors by the state.

However, chapter three also pointed out that the state's meta-political authority over security governance was not absolute or total. Instead, other public agents (e.g. Allied Coalition governments, international organizations) were also recognized as holding meta-political authority over security governance within Iraq. In other words, these other public actors could hire private security to legally engage in security governance in Iraq—and were capable of granting private auspices the right to do the same—by virtue of their own authority *independently* of the authority of the Coalition Provisional Authority. This simple empirical observation thereby undermined a strict Realist and

state-centric understanding of the state's monopoly over security governance within its own territory.[417]

This chapter returns to this issue of the dispersal of meta-political authority over security governance to provide a substantial illustration of its practical importance for private security and security governance more generally. Specifically, as discussed in the introduction, this chapter will illustrate the way private security has turned to international law as a tool to legally authorize its security governance programs independently of—and sometimes in confrontation with—states themselves.

5.3 Case Study I: Puntland State of Somalia and Private Security: Introduction

This case study analyses a security contract that created a hybrid public-private fisheries protection and anti-piracy patrol that operated in the semi-autonomous state of Puntland between September 1999 and February 2001. By providing a detailed empirical survey of the operational aspects of this maritime hybrid public-private security actor, this case study continues to illustrate the networked public-private nature of security governance operating in the world today. The concept of a security network is also used to briefly examine the PSC's creation of a private regional intelligence network and their incorporation of non-state actors into a broader anti-piracy security network—something the PSC itself described as 'a network of capability that denies [pirate]

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[417] It is important to reiterate that this dissertation is not making a technical legal argument regarding the right to legitimate security governance held by international organizations. Nor is it making any claim regarding the status of legal personality granted to international organizations under international law as pertaining to security governance. Instead, it argues that the independent authority held by international organizations over security governance is based on the *actual practices* of these actors in Iraq and the *perception of legitimacy to authorise security governance granted to international organizations by CPA officials themselves.* However, for a broader discussion on the legal personality of international organizations as it pertains to security governance, see: Nigel White and Sorcha MacLeod, 'EU Operations and Private Military Contractors: Issues of Corporate and Institutional Responsibility' in *The European Journal of International Law* 19(5) 2008 p.970. These authors argue—in a fashion that supports my own argument—that international organizations hold 'objective' legal personality *that is not derivative of states'.* Ibid, p. 971.

operations.'[418] This case study also includes a description of the techniques of control, or rule at a distance, deployed by the quasi-state over its PSC implementing partner, as well as a discussion of the contradictory effects of the transfer of power between the state and the PSC. However, the crucial point that this case study seeks to elucidate is tied to the legal strategy used to claim legitimate authority over security governance made by the PSC during the course of this security contract. Specifically, this case study will illustrate how a private security company used international law to displace the state as only source of meta-political authority over security governance.

5.3.1 *Contract Background: Puntland, Piratical Fishing and a Business Opportunity*

The political origins of Puntland State of Somalia—and its subsequent involvement in arguably the world's first and only quasi-state Exclusive Economic Zone fisheries protection operation—is tied to the collapse of Somalia's Syad Barre regime in 1991. After seven years of statelessness and civil war—and with several failed initiatives to create a unified state of Somalia—various stakeholders in northeast Somalia initiated a dialogue regarding self-rule and the reestablishment of regional law and order. In March of 1998 a number of political organisations comprising leaders from various regional militias as well as civic leaders (traditional clan elders) from throughout the northeast began a series of open political discussions that culminated in the Garowe Conference on May 5th 1998.[419] After three months of deliberations, the autonomous 'Puntland State of Somalia'[420] was proclaimed under the presidency of former Somali Salvation

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[418] George Simms quoted in Brian Scudder's 'Beating the Pirates', *Gulf Business* February 2000 p.51.

[419] Maria H. Brons, *Society, Security, Sovereignty and the State in Somalia: from statelessness to statelessness?* International Books, Utrecht: 2001 p.272-3.

[420] Unlike its neighbour Somaliland, Puntland State of Somalia did not declare independence from Somalia, but instead declared itself an autonomous state of Somalia. It will be referred to as 'Puntland' during this case study.

Democratic Front[421]chairman, Abdullahi Yusuf Ahmed. President Ahmed appointed a government cabinet three months later, and a parliament was inaugurated in September of that same year.[422] This new consolidation of power in the institution of the self-declared state of Puntland, along with the peace process that created it, was accompanied by the popular disbandment of a series of smaller regional militias that had operated in the region during the Somali civil war. A side-effect of this process also meant that thousands of individual armed militia members were released into the community. As a result, criminal activity increased throughout the region.

In particular, the sea lanes off of the coast of Puntland were a popular target for these former militia members. In the words of one analyst,'[t]hese former fighters, armed but with no jobs and few skills, ran amok...practicing piracy in sea lanes in the Gulf of Aden and the Indian Ocean, making them unsafe for legitimate seafaring traffic, protecting the illegal fishing operations of private companies, and joining protection rackets...'.[423] This was exacerbated by the fact that many of these militiamen had practiced piracy in order to finance their militia's previous military campaigns and had simply taken what they knew and applied it in a freelance fashion. As a result, piracy became rampant off of the horn of Africa during this period.[424] Two particular and inter-related types of piracy afflicted the waters off of Puntland's coastline. First, a traditional form of piracy occurred whereby passing ships would be boarded and hijacked, with both the ships as well as the crew taken to shore and held for a ransom. Second, a piratical form of illegal and violent fishing had developed off of the coast. In this instance, warlords operating large fishing trawlers armed with heavy weapons and crewed by armed men ran violent extortion rackets against both the international fishing

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[421] The SSDF was one of the armed factions fighting against the Barre government and was the dominant political and military structure in the northeastern region of Somalia in 1998.
[422] Rebuilding Somalia: Issues and Possibilities for Puntland, HAAN, London, 2001, p.21.
[423] Ibid p.13.
[424] Brian Scudder 'Pirates Last Stand' *African Business*, March 2000, p.17-19.

fleet operating off of Puntland's coast as well as the artisanal fishermen from villages along the coast.

Although the new Puntland state installed a police force that began to restore a semblance of internal stability and had established a rudimentary degree of control along parts of the coastline, they did not have the funding, equipment or the training to effectively patrol their territorial waters for illegal fishing operations or to address these piracy problems properly.[425] Moreover, without an effective judicial or penal system in place, and without an established tax revenue base required to finance the establishment of these basic governmental institutions, the newly established government of Puntland was severely handicapped in their ability to address these issues.[426]

Since it was clear that in the immediate to short term Puntland was incapable of creating these rudimentary governance institutions on its own, a broad consensus was reached that the government '...would have to strive for a mix of private and public services, implying a kind of "compact" between state, private service providers and the public, in which the roles and responsibilities of each would need to be clearly defined.'[427] This consensus that good governance within Puntland would involve a high level of public-private partnerships was not limited to the government of Puntland and the private sector. International aid agencies, NGOs and the humanitarian community operating in the region had also come to the realization that the minimal infrastructure—such as communications, transportation, water purification, and electricity—that had been created in Puntland between 1991 and 1998 had been provided by private sector

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[425] This funding problem was exacerbated by the UN and the international community's unwillingness to provide military equipment to any Somali political actor. Calls from Puntland and Somaliland for international help in building effective coastguards were rejected during this period. See Brian Scudder 'Beating the Pirates' *Gulf Business* February 2000 p.51.

[426] Rebuilding Somalia p. 43.

[427] Ibid p. 46.

entrepreneurialism.[428] Moreover, these basic services had not been provided by locals

alone but rather by international networks of local-global business partnerships.

It was under these circumstances that in mid-1999 President Abdullahi Ahmed agreed to

support the efforts of an international business delegation comprised of western regional

expatriates and local Somali partners in a search for public-private business

opportunities within Puntland. With the continued support of the government, this

business group formed the Puntland International Development Company (PIDC) and

immediately set out to attract international investment for the exploitation of Puntland's

natural resources.[429] After exploring several potential business opportunities, the PIDC

decided that the active enforcement of Somalia's right to demand a fishing license fee

within their Exclusive Economic Zone (EEZ) off of Puntland's coastline provided the

best opportunity to generate revenue. First, the licensing of a large and unlicensed

international fishing fleet operating illegally off of Puntland's coast presented a readily

available source of potential income. Second, the development of a fisheries

management program was perceived to be the easiest and least risky business

opportunity available to the PIDC since the concept required only a limited amount of

onshore investment in an area still considered dangerous and politically unstable.[430]

After a consultation with President Yusuf regarding this business proposal, the PIDC

was commissioned by the government of Puntland to both design and operate a fisheries

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[428] Ibid, p. 23.

[429]The support from the government of Puntland was predicated on the notion that the business activity of the PIDC would generate a substantial source of tax revenue for the state. See Robert Parr, 'An Evaluation of Security Management in the Exclusive Economic Zone of Puntland, State of Somalia' MA Thesis, University of Leicester. March, 2003 p.4. Robert Parr is a retired member of the British SAS that was hired by Hart Security to assist with the operational management of this security governance program in Puntland. During a telephone interview on 12/13/05 he suggested that I refer to his MA Thesis as a source for my research on this case study. Though this case study makes extensive use of this MA Thesis for the first person historical narrative it provides—as well as for access to quotes taken from internal Hart documents—the analysis and argument provided here are original.

[430] Robert Parr, 'An Evaluation of Security Management in the Exclusive Economic Zone of Puntland, State of Somalia' p.5.

management program on behalf of the self-declared state.[431] With this political

agreement in place, the PIDC set out to outsource the actual day to day operation of this

Puntland EEZ fisheries protection contract to a private security firm capable of running

a coastal monitoring, control and surveillance system for Puntland's fisheries. To this

end, PIDC approached Hart Group International[432] in the summer of 1999 to offer the

PSC a partnership in this Puntland project.[433] On September 29th, 1999, a contract was

signed between Puntland's President, Hart Security and the PIDC that authorised this

investment group to manage Puntland's fisheries resources for a period of five years and

that authorised Hart to run this program.[434]

5.3.2 *Ambiguous Authority: A Self-Declared State, Private Security and International*

Law

At the outset, Hart had identified the potential legal risks associated with the

enforcement of an Economic Exclusive Zone (EEZ) on behalf of Puntland when this

'state' did not have legal recognition from the international community. In the words of

an internal company document, 'political risk [and] the legality of a State [sic] within a

country implementing its own EEZ...' was viewed as a serious legal liability by Hart's

management.[435] As a result, Hart hired the international maritime law firm Hill

Dickinson to explore the legal feasibility of conducting PIDC's proposed fisheries

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[431] George Simms, Hart Security. Telephone Interview. London. 12/09/05.

[432] This is the same parent company mentioned in the Perini Corporation micro-case study in this dissertation's first chapter on Iraq. During this Puntland contract Hart Group International created a subsidiary named Hart Nimrod (Bermuda) Limited. In the rest of the paper the PSC will be referred to as Hart or Hart Security.

[433] Robert Parr, Hart Security. Telephone interview. New Zealand. 12/13/05.

[434] The Indian Ocean Newsletter 'A coastguard service in Puntland' March 4 2000.

[435] Hart Security, '*Puntland, State of Somalia*', internal company document cited in: Robert Parr, 'An Evaluation of Security Management in the Exclusive Economic Zone of Puntland, State of Somalia', p.5.

management program on behalf of Puntland.[436] The product of these consultations

created not merely a novel and privatized approach to EEZ patrolling, but more

importantly, it also created a novel approach to a private security company's claim to

legitimate authority over security governance in general.

Specifically—and in line with a security governance framework that emphasizes the de-

coupling of both the *authority* and the *implementation* of security governance from the

state—this occurred when the PSC Hart and its law firm advisers created a legal

argument for operating a privatized maritime security patrol within a section of

Somalia's EEZ on behalf of the self-declared state Puntland based on international

law.[437]

Though Hart was acting under the auspices of the PIDC—which in turn acted under the

ostensible authority of the Puntland State of Somalia—the fact that Puntland's legal

status was itself in question meant that an internationally recognized alternative source

of meta-political authority was deemed necessary. First, this involved Hart, in close

consultation with their legal advisers, using the recently ratified United Nation's

Convention on the Law of the Sea (UNCLOS)—the document that articulates the rights

of states to exploit a 200 mile offshore Exclusive Economic Zone—as the core legal

basis for their claim to legitimate authority in managing a fisheries protection program

on behalf of Puntland.[438] Other international legal documents pertinent to this security

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[436] Brian Scudder 'Beating the Bandits' in *Gulf Business* Feb 2000 p.51; George Simms, Hart Security. Telephone Interview. London. 12/09/05.

[437] Establishing the validity (or lack thereof) of the legal basis for Hart's Puntland security operation is beyond the scope of this dissertation. What this case study emphasizes as crucial is the *actual practice* of a PSC using international law as a basis for a claim of legitimate authority over security governance.

[438] Hart's approach to basing the legality of their operation on UNCLOS involved three distinct parts. First, the UNCLOS Preamble was used as a basis for the legitimacy of the people of Puntland to claim rights to an EEZ irrespective of whether or not Puntland was a legally recognized government. Second, UNCLOS was used as the core legal document for establishing the rights and obligations of Puntland in the management of this EEZ. Third, it was considered crucial that Hart not be perceived as engaging in a law enforcement activity themselves. Instead, Hart would be acting in a consultancy capacity to assist the Puntland government in the operation of their fisheries protection program. Robert Parr, Hart Security. Telephone interview. New Zealand. 12/13/05.

program were also used to bolster its claim to a legitimate role in security governance based on international law, including the *San Remo Manual on International Law Applicable to Armed Conflicts at Sea.*[439]

Second, Hart also turned to other international institutions outside of the state to bolster its claim to a legitimate and legal security governance role during this program. Given the contractual mandate to design the actual content of the fisheries management program—in itself a considerable amount of power or control over security governance—Hart designed the Puntland Fisheries Management Program to comply with a set of monitoring, control and surveillance (MCS)[440] guidelines created by the Food and Agriculture Organization (FAO) of the United Nations.[441] Hart relied on these FAO guidelines to assist them in creating a number of Puntland's standard tactical operating MCS procedures, including the use of a fisheries patrol vessel, procedures for vessel inspections, arrests, as well as the processing of evidence and the detainment of fishing vessels.[442]

In a third instance of Hart's attempt to augment their legitimate authority to conduct this security operation by turning to sources of internationally recognized legal authority outside of Puntland, Hart requested that the Puntland government legally mandate Hart to settle any international legal disputes that arose with foreign parties in the course of

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[439] See Robert Parr, 'An Evaluation of Security Management in the Exclusive Economic Zone of Puntland, State of Somalia', p.47.

[440] 'Monitoring, Control and Surveillance' or MCS is the technical term used to describe the operational procedures involved the fisheries management of an Exclusive Economic Zone.

[441] Robert Parr, Hart Security. Telephone interview. New Zealand. 12/13/05. For the actual FAO documents used by Hart to design their MCS procedures, see: Peter Flewwelling, 'An Introduction to Monitoring, Control and Surveillance of Capture Fisheries', Fisheries and Aquaculture Department, Food and Agriculture Organization, Technical Paper T338,1994. http://www.fao.org/docrep/003/V4250E/V4250E01.htm;
Also see 'FAO guidelines for Responsible Fisheries – Fishing Operations' www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/003/W3591E00.htm Accessed December 14 2005.

[442] Robert Parr MA Thesis p.6.

this contract within the jurisdiction of the British court system.[443] Though Puntland had

an independent legislature and judiciary, due to the weakness of these institutions, the

Puntland government agreed to the institutionalization of British court jurisdiction in the

event of a legal dispute between a foreign fishing vessel detained for illegal fishing by a

Hart fisheries patrol vessel.

In a fourth and final step taken by the PSC to buttress their authority to legitimately

engage in this security governance program, under the advice of its law firm Hart

worked in tandem with the Puntland government to increase the visibility and the intent

of the Puntland Fisheries Management Program. To this end, the PSC sent notifications

to various governments, the Food and Agriculture Organization (FAO), as well as

members of the international fishing community and the fishing media explaining the

upcoming implementation of this hybrid public-private EEZ fisheries protection

program.[444] These notifications included a declaration published by President Ahmed in

September of 1999 which claimed jurisdiction over the fishery resources within the

section of Somalia's 200 mile Exclusive Economic Zone that was adjacent to the

territory of Puntland.[445] This document stated that a moratorium on all fishing within

this Puntland EEZ would be declared for a period of one month starting from January

1st 2000 and that the government of Puntland would maintain a sole right to financial

remuneration from the issuance of fishing licenses to legally fish in Puntland's EEZ

after February 1st 2000. Finally, it also stated that this decree would 'be vigorously

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[443] This decision was made to give members of the international fishing community whose vessels were boarded and impounded by the Puntland Marine Force access to an internationally recognized legal system within which to launch any legal appeal against a subsequent arrest for illegal fishing. Cases of illegal fishing by Puntlanders were to be decided by the local justice system. Robert Parr MA Thesis p.67; Also George Simms, Hart Security. Telephone Interview. London. 12/09/05.

[444] Brian Scudder, 'Beating the Bandits.' See also Robert Parr, 'An Evaluation of Security Management in the Exclusive Economic Zone of Puntland, State of Somalia', p.5.

[445] President Abdullahi Yusuf Ahmed, Open Letter from the Office of the President, Puntland State of Somalia. 29 September 1999. Taken from Appendix Two, Robert Parr MA Thesis.

enforced by fisheries protection vessels to be engaged on behalf of the Puntland State of Somalia.'[446]

The consequence of these legal manoeuvres for our understanding of the way security is organized—and *authorized*—in the international system is significant. By primarily grounding their claim to engage in this security governance program on international law rather than state law, Hart de-centred the state as the key authoritative basis upon which a private security company could legitimately engage in the practice of security governance. More specifically, Hart de-linked the authoritative basis for the provision of security from the monopolistic legislative authority of the state and replaced it with authority linked to a set of multiple legal sources based fundamentally on international law. In a quote that perfectly underscores this alternative claim to legal authority taken by Hart of the Puntland security governance program, Robert Parr argued:

'The power to direct the Fisheries Management Programme was drawn from a *number of interlinked elements that had to be woven into a legally sustainable matrix of laws, codes, procedures and operational capabilities*. This should be seen as a process of education, training and finally operational deployment to establish and maintain legal order throughout the EEZ.'[447]

In an excellent example of the complex reconfiguration of authority that a security governance seeks to illustrate, rather than articulating a position that grounded their legal right to undertake this security program via a single and monopolistic source of state authority, Hart relied on a 'matrix' or network of multiple legal resources, many of which existed outside of the 'state' of Puntland.

Perhaps more provocatively, Hart initiated a model for a private security company to make a legal claim to implement a security governance program under the umbrella of

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[446] Ibid.
[447] Robert Parr MA Thesis p.45. Emphasis added.

international law as an alternative to the potentially questionable claims of meta-political authority made by its self-declared state auspice Puntland. In the words of the founder and CEO of Hart, the establishment of this unconventional legal basis for their Puntland security program:

'...was so important. We had everything vetted by an internationally recognized marine law firm in the UK prior to publishing the Fisheries Regulations and the President's declaration of a moratorium on fishing. It was...an essential precursor to operational deployment of the Patrol Vessel and the Marine Force. We didn't want to end up in court only to find we couldn't sustain our position.'[448]

5.3.3 *Patrolling Puntland's EEZ: Hybrid Public-Private Security Governance*

With the legal argument for this contract in place, Hart began the actual groundwork for this maritime security operation. In November 1999, Hart sent a six man security team to the north of Puntland in Bosaso to set up basic life support such as food, accommodation and electricity for the duration of this contract. Next, with government assistance, Hart procured a large hotel complex on the Bosaso beachfront and secured it as a headquarters to house and train a Puntland security force that would be used during the course of this contract.[449] Working under the pressure of a February 1 2000 deadline—the date President Ahmed declared the Puntland EEZ moratorium on fishing without a Puntland license would be enforced—Hart began a six week selection and training program to transform a group of local ex-Somali marines into the new Puntland government's Puntland Marine Force. The PSC trained this seventy-five person contingent in basic swimming and boating skills as well as the hook and ladder ship

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[448] Lord Westbury, CEO of Hart. Quote taken from Robert Parr MA Thesis p.50.
[449] Brian Scudder 'Pirate's Last Stand' African Business March 2000 Issue 252 p.19.

boarding techniques to be used during ship inspections.[450] Using weapons procured by the government of Puntland at the request of the PSC, Hart also provided AK-47, RPK and RPD light automatic weapons training for the Puntland Marine Force[451] as well as instruction in international law pertaining to the use of force while enforcing the fisheries protection program.[452]

By February, with the training of the marine force finished, Hart had acquired a 200 foot stern trawler in Europe to be used as the main fisheries patrol vessel and had sailed it through the Suez Canal to Hart's operational headquarters in Bosaso, Puntland. This 1800 ton vessel, fitted with surveillance radar and satellite communications, would act as a floating command, communication, control station as well as barracks for the duration of the contract.[453] This trawler housed sixty members of the Puntland Marine Force that worked on two rotating shifts of thirty marines as well as a British ship crew and three to six Hart security personnel acting in the capacity of fisheries protection officers.[454]

At the tactical level, this Hart trawler was also used as a 'mothership' to house and deploy smaller and faster interceptor vessels during its Exclusive Economic Zone patrols. To this end, Hart had purchased four twenty-four foot rigid inflatable boats (RIBs) that were stationed onboard the trawler and which would be lowered to the sea via a deck crane and deployed to intercept and board vessels operating illegally within the EEZ. During Hart's EEZ patrol between February 2000 and February 2001 this

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[450] George Simms, Hart Security. Telephone Interview. London. 12/09/05. See also 'A Coast Guard Service in Puntland', The Indian Ocean Newsletter, March 4 2000.

[451] Ibid. See also Brian Scudder 'Pirate's Last Stand' African Business March 2000 Issue 252 p.18.

[452] Explaining the legal aspects pertaining to the use of force proved a daunting task. In the words of Robert Parr '[w]hen we discussed the rules of engagement and international law, at first [the Puntland Marine Force] would be saying "haha we will kill everyone", and we really needed to explain first principles regarding rules of engagement, restraint with the use of force, etc. We explained that force was only to be used in self defense.' Robert Parr, Hart Security. Telephone interview. New Zealand. 12/13/05.

[453] Robert Parr MA Thesis p.7-8.

[454] Telephone interviews, Robert Parr and George Simms.

large fisheries patrol vessel cruised along the Northern Puntland coastline from Bosaso

around the horn of Africa to the Southern fishing village of Eyl. In the event of the

sighting of any vessels suspected of fishing illegally within Puntland's declared

jurisdiction, three RIBs would be deployed from the mothership—each carrying six

members of the Puntland Marine Force armed with automatic weapons and a Hart

Fisheries Protection Officer—to intercept and board the vessel.[455]

The fact that the private security firm was put in charge of the training of the Puntland

Marine Force as well as the actual selection and design of the security tactics and

boarding procedures meant that Hart was given considerable control over the content of

this security governance program. One such tactic involved the Hart fisheries patrol

vessel monitoring the speed and behavior of a fishing boat via radar to discern whether

or not these ships had dropped their lines and nets into the water prior to attempting to

board them. Once it was suspected that its nets were in the water, Hart would cruise

towards the fishing boat and deploy their fast RIB intercept boats to engage and board

these vessels.[456] Though left to the discretion of the PSC, Hart's evidence collection

procedures in the event of a forced boarding of a fishing vessel were based on fisheries

protection documents from the FAO. These included, among other things, the Puntland

Marine Force using photographs and videotape to document the location of the ship

within the Puntland EEZ, as well as photographically documenting the crew, fishing

equipment and fish catch.[457] In a considerable extension of the political power invested

in Hart, the private security company also designed the content of Puntland's actual law

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[455] Ibid.

[456] Typically, the Hart fisheries patrol vessel would try to get within 3 nautical miles of a vessel suspected of already having its nets in the water—determined by their speed—before deploying their RIBs to engage in a high speed interception. This put the ship master in a dilemma; either 'cut the lines and run for international waters', losing nets worth a quarter of a million dollars in the process and potentially hundreds of thousands of dollars worth of fish, or continue fishing and hope for the best. Telephone interview, George Simm.

[457] This included photographing the ship's bridge global positioning system (GPS) to document the location of the vessel.

enforcement procedures put in place to deal with individuals engaged in illegal fishing or other criminal activity within Puntland's territorial waters and EEZ. Extraordinarily, and again at Hart's discretion, these legal procedures—including the level and types of fines to be imposed—were based on FAO guidelines and written into legal codes in the Puntland Fisheries Management Program.[458]

The actual method used by Hart of imposing fines offers an interesting illustration of the global/local nature of this hybrid public-private security operation. After boarding a vessel caught illegally fishing in Puntland's EEZ—and after completing the evidence collection process—the hybrid public-private boarding team would issue an on-the-spot fine to the ship master. In the event of the boarding of an international fishing vessel, the ship master would then be instructed to contact his home office—often half way around the world—by satellite telephone to explain that their ship had been detained as well as the nature of the charges and fine.[459] During this arrest, a form would then be given to the ship master to fax to the home office to facilitate the electronic transfer of funds from the fishing company to a bank account designated by Hart, PIDC and the Puntland Government.[460]

During these multi-weeklong offshore patrols, communications between the government and Hart's mothership were indirectly facilitated by satellite telephone exchanges between the ship and the Hart country manager based at their headquarters in Bosaso. This Hart country manager would then liaise with a representative to the

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[458] Robert Parr, Hart Security. Telephone interview. New Zealand. 12/13/05. See also Robert Parr MA Thesis p.71. The FAO guidelines used by Hart included 'FAO guidelines for Responsible Fisheries – Fishing Operations' www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/003/W3591E00.htm Accessed December 14 2005.

[459] Many of these transactions were nearly instantaneous. In one instance, a call between a ship master and the vessel's home office took place at 3am local time, Seoul, Korea, with the electronic payment of the fine taking as little as three hours. George Simms, Hart Security. Telephone Interview. London. 12/09/05.

[460] Hart maintained the fines levied for illegal fishing and other infractions were stipulated by international law and in one instance reached $200,000. Robert Parr, Hart Security. Telephone interview. New Zealand. 12/13/05.

President of Puntland who acted as an established point of contact during the course of this contract and gave Hart a degree of access to the President that was 'only a phone call away.'[461]

However, even though Hart security personnel were operating in a the capacity of fisheries protection officers for the Puntland government, there was a strong level of disagreement between the PSC and the office of the President over the level of operational control that the government had a right to exert over Hart's execution of its contract. According to Hart, the degree of corruption within various offices of the government—such as the Harbourmaster—combined with governmental requests that Hart engage in security actions outside of its contracted mandate meant that Hart tried to shield the 'business end' of their work from the government.[462] In the words of a Hart official:

'We had our mandate...we did not include [the government] in the minutia. If they had a question, we'd answer it...[w]e would not tell any government officials anything regarding what was happening at sea until we were on shore. There was a great deal of corruption, and everyone, like the Harbourmaster, may have been a legal official, but was also a petty criminal in his own right, and would look for ways to extort money from our operations.'[463]

Whereas the government of Puntland wanted to be able to issue tactical commands to Hart personnel and the Puntland Marine Force, the PSC interpreted its contract to run the fisheries protection program as ceding it the ultimate discretionary control over the management of this security program.[464] This tension between the PSC and their

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[461] George Simms, Hart Security. Telephone Interview. London. 12/09/05.
[462] Ibid.
[463] Ibid.
[464] For example, Hart refused direct government requests to interdict a vessel carrying arms due to Hart's understanding that it would have been illegal for them to carry out this order. George Simms, Hart Security. Telephone Interview. London. 12/09/05.

government client severely limited the actual operational control that the Puntland

government was able to exert over the day to day content of the security governance

program of the public-private Puntland EEZ patrol, even as Hart extended the

government's ability to patrol their territorial waters and EEZ.

This issue of the contested degree of control Hart maintained over the actual operation

of the Puntland fisheries protection program was also present in the degree of slippage

between the *de jure* and *de facto* managerial role played by Hart in this operation, as

well as in the authority relationship that existed in this public-private hybrid between

the Hart fisheries protection officers and the Puntland Marine Force. Originally, Hart

had stated to local media that 'a boarding party will have to be assembled that can board

a ship—but Somalis will do that, not British.'[465] This public stance was adopted due to

the sensitive legal issues surrounding this contract, and the necessity of a perception that

the local community was taking the lead in any actual law enforcement work. For these

reasons, Hart's British fisheries protection officers did not officially carry weapons and

were not officially engaged in any law enforcement capacity on behalf of the

government of Puntland. In the words of one Hart employee:

'[i]t was quite important that the locals are the ones policing. We [i.e. Hart expatriate personnel] were not armed, and we were not operating in a law enforcement capacity. It would be best to say that I was accompanying the boarding party, acting as an interpreter and offering commercial advice.'[466]

However, another Hart employee described the relationship between the Hart expatriate

staff and the Puntland Marine Force in a distinctly different manner:

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[465] Brian Scudder, 'Beating the Bandits' *Gulf Business* February 2000 p.51.
[466] Confidential interview, Hart employee.

'They [i.e. the Puntland Marine Force] did not have the inherent talent to lead. If a commander [in the Marine Force] was from a different tribe, you would not be able to get them to listen. You needed an ex-pat commander to act as the glue to hold them together.'[467]

As a result, while it was important under the stipulations of international law that the local Somalis be seen as the ones enforcing their rights to an EEZ during this hybrid public-private security governance program, in actual practice Hart's British security staff played a dominant leadership role in the execution of the actual vessel boardings.[468]

Ultimately, irrespective of the legal technicalities involved—and in a classic example of a hybrid public-private security actor—this hybrid security network comprised of Hart Security and the Puntland Marine Force created a complex hybrid institution that belied simple attempts to separate the one from the other. Not only was Hart acting in a contractual capacity as fisheries protection officers for the government of Puntland, but the Puntland Marine Force *itself* was officially employed by the PSC Hart Security.[469] At the same time, Hart paradoxically increased the Puntland government's ability to exert and extend control over security governance within its waters, while denying or limiting the government's ability to manage the content or nature of this security governance at the tactical level.

5.3.4 *Private Security Confronts Piracy: Breaking a Maritime Warlord*

Though the primary function of this public-private Exclusive Economic Zone patrol was the protection of Puntland's fisheries, it quickly became apparent once the operation

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[467] Confidential interview, Hart employee.
[468] This Hart leadership role included everything from driving the RIBs to issuing commands to the Marine Force and leading the negotiations with the captain's of detained foreign fishing vessels.
[469] George Simms, Hart Security. Telephone Interview. London. 12/09/05.

began that an anti-piracy element would become an integral aspect of this work. This was necessitated by the fact that Hart encountered forms of piracy within Puntland's coastal waters that were linked to and parasitic upon the fishing fleets operating in this region, thus essentially forcing the PSC to engage with the problem of piracy.

The most virulent form of piracy that Hart encountered during its patrols of the Puntland EEZ consisted of a form of violent and piratical international organized crime involving the former state manager of a fleet of five fishing trawlers previously owned by the Somali government.[470] Having taken unilateral personal control of this Somali government-owned fishing fleet during the collapse of the Siyad Barre regime in 1991, this former state employee had since run a violent illegal fishing and extortion operation up and down the Somali coast during the 1990s.[471] Based in the port of Aden, Yemen and described as a pirate by local Puntlanders, he had mounted his fishing trawlers with heavy weapons and as many as fifty to sixty men armed with automatic rifles to use violence and the threat of violence to steal from his competitors.[472]

This included two different practices. First, this heavily armed fleet of trawlers would approach and then extort a 'license fee' at gunpoint from foreign fishing vessels operating in Somali waters.[473] Second, this piratical fishing fleet also targeted local artisanal fishermen. Locals were forced to sell their catch of lobster and other fish at prices below market value thereby allowing this criminal syndicate to increase their fish

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[470] The international character of this piratical fleet existed on several levels. First, these ships were stationed in Aden, Yemen, while conducting their illegal business activity throughout the Puntland EEZ. Second, they sold their illegal goods in European fish markets. Third, the crew itself was international, with an Italian ships master and gunmen from various countries. Interviews, Robert Parr and George Simms; interview with Pottengal Mukundan, Director of the International Maritime Bureau. London. 11/12/05. Captain Mukundan was familiar with this EEZ operation run by Hart Security as well as its violent encounter with this piratical fishing operation.

[471] Brian Scudder, 'Beating the Bandits' *Gulf Business* February 2000, p.52.

[472] Brian Scudder, 'Pirate's Last Stand', *African Business*, March 2000, p.18.

[473] The similarity between Hart's EEZ patrol and these extortion rackets were not lost on the senior executives of Hart. They made explicit references to this illegal behaviour and their reliance upon international law to differentiate their Puntland fisheries management program from these extortion rackets. Robert Parr MA Thesis, p.11.

sales in more lucrative foreign markets.[474] In an act of extreme violence that underscores the degree of lawlessness in this remote region, when these local fishermen offered armed resistance, this piratical fleet would move close to shore and fire upon their isolated fishing villages such as Hafun and Eyl with anti-aircraft weapons mounted onto the decks of their ships.'[475] This, in turn, increased the radicalization of these small fishing communities and the amount of their own retaliatory piracy attacks on international fishing vessels.[476]

Though the government of Puntland had been in indirect 'diplomatic' contact with these pirates since January of 1999 in an effort to get them to recognize and comply with the government's upcoming EEZ fisheries regulations deadline of February 1st, these attempts at licensing were ignored.[477] As a result of these failed negotiations, the hybrid public-private security force's first encounter with this piratical fishing fleet occurred within the first month of the deployment of the fisheries patrol vessel. On the 14th of February, after spotting a fishing vessel on the ship's radar within 3 nautical miles of the patrol vessel, Hart fisheries protection officers deployed three RIBs to interdict and board the fishing trawler. However, as the RIBs closed in on this trawler the boarding party came under intense automatic small arms fire from the dozens of guards on the illegal fishing vessel that resulted in one member of the Puntland Marine Force being

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[474] Ibid p.11; See also Brian Scudder, 'Pirate King Turns Law Enforcer' *African Business*, July/August 2000 p.28.

[475] Hart personnel described this activity as 'Zoo Fishing', named after the Soviet built ZSU/23-4 four-barrelled anti-aircraft gun used by this piratical fleet during these extortionate punitive raids. Robert Parr, MA Thesis p.11.

[476] Recent spikes in piracy off of the Puntland coast have created contemporary news stories that have touched on this process of radicalization discussed here. For instance, the New York Times writes '[t]he piracy industry started about 10 to 15 years ago, Somali officials said, as a response to illegal fishing. Somalia's central government imploded in 1991, casting the country into chaos. With no patrols along the shoreline, Somalia's tuna-rich waters were soon plundered by commercial fishing fleets from around the world. Somali fishermen armed themselves and turned into vigilantes by confronting illegal fishing boats and demanding that they pay a tax.' Jeffrey Gettleman, '*Somali Pirates Tell All*', New York Times, September 30 2008. See www.nytimes.com/2008/10/01/world/africa/01pirates.html?

[477] This exchange, via intermediaries and a local newspaper, included a threat to kill every Hart employee in Bosaso. See Brian Scudder, 'Pirate King Turns Law Enforcer' *African Business*, July/August 2000 p.28.

wounded. Forced to disengage pursuit, the RIBs returned to the fisheries patrol vessel which returned to the port of Bosaso to provide medical attention to the injured marine as well as to allow Hart's team to reassess this new security situation.[478]

Due to the intense level of the threat of violence—including the casualty suffered by one of their Puntland Marine Force employees—Hart initiated a series of decisions to deal with this piratical threat in a fashion that deviated considerably from the original business model of the fisheries protection program and led simultaneously to a more militarized and intensified diplomatic approach to their security task. First, in a determined effort not to be outgunned in future encounters with this criminal fleet, Hart acquired a howitzer field gun for the fisheries patrol vessel with a range and calibre superior to the heavy weapons known to be operated by this piratical fleet of ships.[479] Second, Hart proceeded to set up a regional intelligence network to gain business-sensitive information on this illegal fishing syndicate.[480] Hart argued that with this intelligence network in place, they were better positioned to determine '...how to deal with the pirates either by diplomacy, international law, or the use of the country's military resources.'[481]

In actual practice, Hart relied upon a measure of all three—diplomacy, international law, and the threat of 'military' force from the hybrid public-private security actor—in their engagement with this pirate organization. As the presence of the fisheries protection vessel began to increase the level of pressure on this criminal syndicate by disrupting the illegal international fishing fleets it preyed upon, Hart was able to use

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[478] Robert Parr MA Thesis p.9; Telephone interview, George Simm.

[479] Confidential interviews with Hart personnel.

[480] Robert Parr, MA Thesis p.70. This PSC run intelligence network gathered intelligence in Britain, Yemen, Puntland and Somalia.

[481] Internal company document, 'Hart Nimrod (Bermuda) Limited, *Anti-Piracy Insurance/Response*, Bermuda. Hart Group Limited, 2002'. Quoted in Robert Parr MA Thesis p.70. Note the Puntland's military resources in this instance are referring to Hart Security and the Puntland Marine Force they employed.

information gained from its intelligence network to set up a meeting with the head of this pirate group in Aden, Yemen.[482] During this first diplomatic meeting, Hart's delivered a threefold message. First, the PSC used the explicit threat of violence by explaining both their professional special operations forces military background as well as the increased 'tactical legitimacy'[483] provided by their field gun. Specifically, they argued that any future encounters that this pirate organization had with the Hart fisheries patrol vessel would put the pirates in a militarily disadvantageous position.[484] Second, they communicated the threat of criminal charges to be brought against the head of this criminal organization through the British courts system. Relying on information gained from their intelligence network, the PSC also threatened other legal charges that would specifically target this pirate's financial interests located within the United Kingdom.

Third, Hart offered a positive incentive for compliance by explaining their legal mandate and conveyed the possibility of immunity for this individual from charges related to his criminal activity by the government of Puntland under the condition that this operation arrange to license its fishing operations and end its criminal extortion racket.[485] During subsequent meetings between this crime syndicate, senior Hart executives and a contingent from the Puntland government held in London, an agreement was reached on the terms dictated by Hart and the Puntland government and this instance of organized piracy was eliminated.[486] Indeed, in another unconventional decision designed to increase the surveillance capability of EEZ patrol, this formerly criminal fleet of fishing trawlers were incorporated in Hart's security operation and used as observation platforms by the Puntland Marine Force for the remainder of this hybrid

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[482] Interview Robert Parr.
[483] Ibid.
[484] Interview, George Simms.
[485] Interviews with Robert Parr and George Simms.
[486] Ibid.

public-private security contract.[487] While the techniques used by Hart were unconventional and fell outside of the normal boundaries of a fisheries protection program, by using a series of threats and incentives this fleet of violent piratical fishing vessels were licensed and brought under the authority of the government of Puntland's PSC-operated fisheries management program.

5.3.5 *Case Study I Conclusion*

This case study of the fisheries protection program operated by the PSC Hart for the self-declared Puntland State of Somalia provides a number of important insights into the operation of private security and security governance in general. Consistent with a broadly similar practices analysed in Iraq, the government of Puntland contractually authorised a private corporation—the PIDC—to implement a security program. This contract, in turn, granted the PIDC the power to act as an auspice to hire a private security company to help facilitate and implement this policy/security program. The case study also demonstrated how a private security company changed the way security governance was practiced in the region. Specifically, Hart did not merely *implement* a security governance program, but importantly also *designed its content*. Not only did Hart's design of the actual tactics and procedures enshrined in the Puntland Fisheries Management Program, but the PSC was also responsible for the more informal and *ad hoc* decisions made regarding the use of heavy weapons and the combined use of military, legal and diplomatic threats to deal with a pirate syndicate.

Furthermore, the case study outlined the institutionally complex security hybrid created whereby ostensibly *private* security personnel were acting as government fisheries

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[487] Pottengal Mukundan, Director of the International Maritime Bureau. Interview. London. 11/12/05.
Brian Scudder, 'Pirate King Turns Law Enforcer', *African Business* July/August 2000 p. 28.

protection officers while the ostensibly *public* Puntland Marine Force was itself contractually employed by a private security firm. Though one key purpose of a study of hybrid security actors is to challenge easy conclusions regarding a zero-sum power analyses, this case study nevertheless drew conclusions regarding Puntland's degree of control over the PSC Hart. While Hart ultimately enhanced Puntland's strategic control over its territorial waters, actual government control at the operational and tactical levels of the fisheries program was extremely limited. In a fashion similar to Erinys' rejection of its public partner's interpretation of the OPF security contract, Hart rejected the Government of Puntland's claim that it was in a position to command this Hart-managed hybrid security force, and Hart actively distanced the operational aspect of this contract from what it perceived as illegitimate government interference.

Finally, and most importantly, given the ambiguous international legal status of the public agent involved in this hybrid public-private security network, the PSC Hart created a novel legal argument to buttress the legitimacy of this security program. This process involved finding an alternative source of meta-political authority based heavily on international law rather than relying on authority of the state. Authority over security governance was therefore de-linked from the state on two separate levels. First, paralleling events in Iraq, the government of Puntland pulled the strings that unravelled its own monopoly over security governance by granting the PIDC the authority to act as an auspice over an armed fisheries management program.

Second, moving beyond what was witnessed in Iraq, the PSC Hart turned to a matrix of legal sources external to the government in whose territory it operated to make a legal claim to legitimate authority over security governance. This 'matrix' of legal resources was based primarily on international law but it also used norms of fisheries protection created by the Food and Agriculture Organization as well as the extra-territorial

jurisdiction of the British court system. Ultimately, this case study also demonstrated the way a private security company operated globally by using resources—both legal and material—to alter the nature of security governance on behalf of a quasi-state client.

5.4 Case Study II: Private Security Governance in the Malacca Straits: Introduction

The second case study in this chapter analyses the provision of armed anti-piracy ship escorts provided by private security firms for commercial clients transiting the Malacca Straits during 2005. It shifts from an analysis of a hybrid public-private security network towards a study of a private security company and its commercial client. In line with this chapter's previous case study, this analysis of private security operating in the Malacca Straits moves beyond merely focusing on the multi-lateralization and privatization of auspices and implementers of security governance illustrated in the work on private security governance Iraq. Instead, this case study continues this chapter's documentation of the way private security has challenged the idea that state's have a monopoly of meta-political authority over security governance by illustrating how maritime private security companies used international law to legitimate their security programs.

Importantly, however, this study also moves beyond the previous case study's analysis of how private security merely used international law and other legal tools to lend additional legitimacy to a security governance program that already operated with the political approval of a state client. Instead, this case study illustrates a more radical situation where private security relied upon international law to legally engage in security governance within a state's territory *against the will* of that state's government.

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In the previous Puntland case study, the decision made by Hart to bolster its legal position via international law did not challenge or contradict the political will of its government client. Irrespective of Hart's use of international law as the source of meta-political authority, this PSC had nevertheless acted on behalf of and with the explicit authority of the state in whose territory it operated. Moreover, Hart had acted as a security implementing partner embedded within a hybrid public-private security network. As a result, while Hart's legal strategy did upset the idea that states have a monopoly on meta-political authority over security governance, their security program *did not* directly contradict the state-centric and Realist assumption that states enjoy a monopolistic right to organize security governance within their territory.

In contrast, this case study provides an example of a private-private hybrid actor implementing a security governance program underwritten by the meta-political authority of international law *within* the territorial waters of Indonesia and Malaysia while in *direct opposition* to the political will of these two states. Importantly, international law was not used to supplement the authority granted to a private security company by a state; instead, it was used as an alternative source of meta-political authority to *override* or *neutralize* the ability of these states to interfere in the privatised security governance programs.

In the process, these armed private security escorts conducted in Malaysian and Indonesian territorial waters provide an empirical example that upsets the Realist and state-centric notion of the state's ultimate authority over—and necessary political acquiescence in—private security operating within its territory. It also empirically demonstrates an extreme example of a key claim made by security governance theorists; namely, that the state—as a *regulated object* of international law—need not

be perceived as the *exclusive* locus of meta-political authority over security governance.[488]

5.4.1 *Background: Piracy, Terrorism, and the Politics of Security Governance in the Straits*

Before examining the practice of armed private security vessel escorts in the Malacca Straits during 2005 it is necessary to situate this phenomenon within the broader political and security context of the Straits at the turn of the millennium. Generally speaking, the Straits of Malacca is a 500-mile long waterway running along a Northwest-Southeast axis situated between Indonesia, Malaysia and Singapore. On average, over 50,000 ships—including oil and gas tankers, cargo and container vessels and barge-towed oil rigs—pass through it each year making it one of the most strategically vital maritime highways in the world. Because of the density of the traffic and the slow speeds with which it travels due to the narrowness of the Strait—it is only 1.5 nautical miles wide at one point—the merchant vessels in these waters have been a perennial target for pirates.

By 2005 a number of issues had combined to make the idea of armed private security anti-piracy escorts more attractive to companies that had to navigate assets through the Malacca Straits. First and foremost, incidents of piracy in the Straits had dramatically increased. Between 1994 and 2004 respectively, there was an increase from 22 to 94 annual incidents of piracy within Indonesian waters alone.[489] Piracy had also become more organized and violent within the Malacca Straits, with pirates using automatic rifles and radio equipment during their attacks. Furthermore, pirates had started

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[488] Les Johnston and Clifford Shearing, *Governing Security: Explorations in Policing and Justice* Routledge, London, 2003, p.35.
[489] ICC International Maritime Bureau 'Piracy and Armed Robbery Against Ships' Annual Report 2005, p.5.

kidnapping the crews of the hijacked vessels and holding them for ransoms occasionally exceeding a million dollars.[490]

Despite assurances from the Malaysian government that 'the littoral states [were] capable of patrolling the Straits without external intervention', a broad consensus had been reached that these countries were not providing sufficient security in this channel.[491] Part of this problem was due to the limitations of littoral state resources. In 2005 the Indonesian navy had only twenty functioning patrol boats to protect its archipelago of 17,000 islands across a distance of over 3,200 miles.[492] Politicized jurisdictional issues between local governments also hindered inter-state anti-piracy cooperation in the Straits. For instance, naval vessels lacked of right to engage in 'the right of hot pursuit' to give chase against pirates by following them across jurisdictional boundaries into the territorial waters of neighbouring littoral states also contributed to the levels of insecurity from piracy.[493]

Piracy, however, was not the only security issue that involved the Straits in the post-9/11 climate of 2005. Maritime terrorism and the possibility of Al Qaeda targeting the international shipping and oil sector—called 'the umbilical cord and lifeline of the crusader community' by Osama bin Laden—had become a serious worry for states and industry alike.[494] Exhibiting this concern, in November of 2003 Singapore's Defense Minister, Real Admiral Teo Chee Hean warned that terrorists could turn

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[490] Graham Gerard Ong, 'Ships can be Dangerous Too: Coupling Piracy and Maritime Terrorism in Southeast Asia's Maritime Security Framework' ISEAS Working Paper: International Politics & Security Issues Series No. 1, 2004, p.3.

[491] Quote taken from Malaysian Defence Minister Najib Razak in 'Recent Attacks Prompt International Pressure to Secure Malacca Straits' *JINSA Online*, July 15 2005.

[492] Ibid.

[493] Gal Luft and Anne Korin, *'Terrorism Goes to Sea'* Foreign Affairs, volume 83 no.6 November/December 2004, p.69.

[494] Rupert Herbert Burns, 'Terrorism in the Early 21st Century: Maritime Domain' IDSS Maritime Security Conference May 20-22 p.8.

supertankers or tankers filled with liquid petroleum or liquid natural gas into floating bombs targeting the Straits that could cripple global trade.[495]

Since September 11, 2001, the United States in particular had viewed political extremists in Indonesia, Malaysia and other regional states as potential terrorist threats to commercial trade. As a result, the scenario where terrorists might hijack a large supertanker and detonate it in port or sink it in the Straits to disrupt trade and damage the economy—as well as disrupt U.S. naval mobility—became a security concern of strategic significance.[496] Due to this combined threat from piracy and terrorism, a number of initiatives were discussed by various states and the commercial shipping industry to increase the public provision of security governance in the Straits. For instance, in 2004 a United States Admiral proposed a Regional Maritime Security Initiative to combat piracy and maritime terrorism in the region complete with a presence of US marines and special operations forces personnel patrolling in fast watercraft.[497] The Japanese also proposed that their Coast Guard could mount patrols through the Straits, while the commercial sector called for a joint public patrol of the Straits in the form of a multi-national military force operating under the authority of the United Nations.[498]

Invariably, however, in each instance these plans that centered on the use of foreign naval vessels patrolling the Malacca Straits were turned down by Malaysia and Indonesia over the issue of state sovereignty. Because the narrowness of the passage meant that these naval vessels would inevitably be forced into the territorial waters of these two littoral states, these plans for foreign naval patrols of Malaysian and

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[495] 'Piracy and Maritime Terror in Southeast Asia', *IISS Strategic Comments* vol.10 no.6 July 2004.

[496] Adam J. Young and Mark J. Valencia, 'Conflation of Piracy and Terrorism in Southeast Asia: Rectitude and Utility' *Contemporary Southeast Asia*, vol.25 no.2 August 2003, p.276-7.

[497] 'Piracy and Maritime Terror in Southeast Asia', *IISS Strategic Comments* vol.10 no.6 July 2004.

[498] Keith Bradsher, 'Warnings From Al Qaeda Stir Fear that Terrorists May Attack Oil Tankers' *New York Times*, December 12, 2002.

Indonesian territorial waters in the Straits were interpreted as challenges to their sovereign political authority and therefore rejected.[499] For Indonesia and Malaysia, the question of sovereignty was not only symbolic—with clear implications for sensitivities regarding national prestige—but was also grounded in a concern with legal precedent for the patrolling of their national waters by foreign warships. Indeed, Malaysia and Indonesia had been in a decades-long dispute with the United States, the USSR/Russia and other major user-states over the legal status of transit rights through the Straits of Malacca and had vehemently opposed 'the internationalization of the straits.'[500] Moreover, these littoral countries were also concerned that any acquiescence in a multi-national Straits patrol-scheme would be tantamount to a public acknowledgement that they were not fulfilling their security obligations as sovereign states.

The results of this situation for private security firms offering armed escorts in the Malacca Straits in 2005 were twofold. First, the increased threat from piracy and the perceived risk of terrorism—combined with the consensus of an insufficient public security presence in the Straits—meant that a market had been created for these private security services.[501] As a result, regional private security firms such as Glenn Defense Marine Asia (GDMA) and Background Asia Risks Solutions (BARS) as well

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[499] 'Piracy in South-East Asia: Obstacles to Security Cooperation' *IISS Strategic Comments* Vol.6, Issue 5, June 2000.

[500] Raj Sativale, 'Transit Passage in the Straits of Malacca', Sativale, Mattews & Arun Advocates & Solicitors. , Maritime Institute of Malaysia Bulletin, April 15 2003.

[501] In the words of Stephen Weatherford, Glenn Defense Marine Asia Director of Operations,'[t]his company started looking at maritime security as a possible business venture almost two years ago, not so much as a direct result of queries from potential commercial clients, but as result of our own analysis of the potential threats to shipping. Once we continued to explore the business, we began to get queries.' Email correspondence 02/11/05.

as global PSCs such as Hart Security and Olive Group began providing armed escorts in the Malacca Straits for various private clients.[502]

Second, and more importantly for an analysis of private security's relationship to authority over security governance, these PSCs were offering armed escort services to private clients in a broader political context where armed vessels transiting the Straits were perceived as a potential challenge to the political authority of Malaysia and Indonesia. Since the geographical nature of the Straits inevitably caused these PSC escorts to enter into the territorial waters of Malaysia or Indonesia during their voyage, this situation created the potential for a political conflict over the nature of lawful *authority* and *implementation* of security governance within the national waters of these states. In the words of one maritime analyst, '[t]he PSCs, by...offering their services in the Strait of Malacca [had] inserted themselves into a seminal political struggle regarding the nature of sovereignty and the right to enforce security in the Malacca Strait.'[503]

5.4.2 *Antagonistic Authorities: State Sovereignty, International Law and PSC Escorts*

This potential for conflict between private security conducting armed escorts in the Malacca Straits and the governments of Malaysia and Indonesia turned into a political scandal in April of 2005 when a series of newspaper articles published in *The Straits Times* brought public attention to these previously low-profile escort services.[504] This media coverage highlighted and helped instigate a debate on armed private security

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[502] Stephen Fidler and Arlen Harris, 'Pirates hold Malacca Strait shipping hostage to fortune' *The Financial Times*, June 23, 2005, p.20; Interview correspondence, private security personnel, October 2005 and August 2008.
[503] Mark J. Valencia, 'PSC Operations in the Malacca Strait: Legal and Political Issues and Options'. Paper presented at the Maritime Institute of Malaysia, December 4 2005.
[504] Carolin Liss, 'The Role of Private Security Companies in Securing the Malacca Strait', *Maritime Studies*, November – December 2007, p.17.

escorts in the Straits by contextualizing these private security operations in terms of a challenge to the authority and sovereignty of the governments of Malaysia and Indonesia. Articles appeared that stated, for example, that '[a]s the convention on state sovereignty dictates, the legitimate monopoly over the use of force in matters of security lies with the state and not with vessels seeking passage.'[505]

These criticisms were picked up and amplified by the governments of Malaysia and Indonesia, with Malaysian government officials in particular using the public media to criticize and even threaten with arrest the private security firms conducting these armed vessel escorts through the Straits. For instance, in April of 2005 Malaysia's Director of Internal Security, Othman Talib, stated that any ship that provided an armed private security escort to a commercial vessel in Malaysian territorial waters through the Malacca Straits would be detained.[506] Othman Talib went on to argue that the crew of private security escort vessels could be categorized as 'mercenaries' or 'terrorists' and charged under the Malaysian Internal Security Act.[507] Marty Natalegawa, a spokesperson for the Indonesian Foreign Ministry, publicly stated that 'Indonesia won't allow any private party to provide their own armed security in the Malacca Strait [and that] responsibility for maintaining security should remain in the hands of Indonesia, Malaysia, and Singapore.'[508]

This public controversy culminated in a dispute over the nature of legitimate security governance within the Malacca Straits that directly pitted the Malaysian and Indonesian governments against the private security companies and their corporate clients that engaged in these armed escort activities. Specifically, it pitted state claims

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[505] Graham Gerard Ong, 'A Case for Armed Guards on Ships', *The Straits Times*, May 26 2005.
[506] Agence France Presse, 'Armed Escort Vessels Can Sail in Malaysian Waters: Defense Minister', June 5, 2005.
[507] Ibid.
[508] Marcus Hand, 'Malaysia furore fails to deter Malacca escort security firm: security outfit at center of new anti-piracy controversy.' Lloyd's List International, 04/05/05.

of holding the authority to legitimately arrest and detain PSCs engaging in armed ship escorts within their waters *over and against* the claims made by these PSCs that they had the legitimate legal authority to conduct these armed security escorts unmolested by the security forces of these littoral state governments. Even more pointedly, it created a conflict between these private security companies and Malaysia and Indonesia over the extent of the political authority these states had over the actions of private security within their waters and the content of security governance within their own territorial waters in general. Whereas Malaysian government officials stated private security companies '...have no power in this country and [these escorts are] a violation of our territorial sovereignty,' Background Asia Risk Solutions (BARS), Glenn Defense Marine Asia (GDMA) and other private security companies insisted that they had the legal authority to operate armed escorts in the Malacca Straits through the territorial waters of Malaysia and Indonesia irrespective of these public government protests.[509]

The claim made by these PSCs that they had legitimate authority to operate armed security escorts through the Malacca Straits in defiance of the political wishes of the governments of Malaysia and Indonesia—a claim that posed a clear challenge to state-centric assumptions regarding a state monopoly on authority over security governance—was critically based in international law. In order to make this legal argument effectively, both BARS and GMDA turned to law firms to help them make their case. GDMA approached a law firm in Singapore to have their armed escort procedures and their overall armed escort business plan reviewed by legal experts to make sure it complied with the 'relevant legislation' prior to undertaking their escort

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[509] Ibid.

activities.[510] The CEO of BARS, in turn, publicly stated that 'prior to commencing our operations we researched the legal and regulatory position for all jurisdictions.'[511]

With the legal advice of their law firms, these PSCs based their claims of meta-political authority to legitimately engage in security escorts within the Malacca Straits upon the third United Nations Law of the Sea Convention (UNCLOS) and its articles pertaining to *transit passage* to give them the right to pass through the Straits without being impeded or deterred in any way by the security forces of the littoral states bordering this waterway.[512] Using language taken from UNCLOS, both BARS and GDMA argued that as long as they began their ship escorts in international waters outside of the jurisdiction of Indonesia or Malaysia and transited 'continuously and expeditiously' through territorial waters they had a legal right under international law to conduct armed security escorts through the Straits. Alex Duperouzel of BARS, for example, publicly stated that the legal critics of his private security firm's armed ship escort services did not have a sufficient understanding of '...the international maritime laws that clearly govern our operations.'[513]

GDMA and BARS also maintained that UNCLOS gave them the legitimate authority to legally bypass two other types of control over security governance typically assumed to be the prerogative of states. First, both Background Asia Risk Solutions and Glenn Defense Marine Asia argued that under the provisions of UNCLOS they did not need to—(and in actual fact they did not)—register themselves as private security companies in any of the states whose territorial water they traversed.

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[510] Stephen Weatherford, GDMA, email correspondence, 28/08/2008.

[511] Marcus Hand, 'Malaysia Furore Fails to Deter Malacca Escort Security Firm: Security Outfit at Center of New Anti-Piracy Conroversy', *Lloyd's List International*, May 4 2005.

[512] For a legal discussion of the 'transit passage' clause in UNCLOS III and how it pertains to the inability of littoral states to hinder the 'continuous and expeditious transit' of vessels, see Raj Sativale, 'Transit Passage in the Straits of Malacca', Sativale, Mattews & Arun Advocates & Solicitors, Maritime Institute of Malaysia Bulletin, April 15 2003.

[513] Alex Duperouzel, 'BARS Clarifies' The Jakarta Post, July 30 2005, section 7.

Irrespective of the fact that the Malaysian Director of Internal Security argued that any private security company that wished to operate in Malaysia would need a permit from his Ministry,[514] the CEO of BARS rejected this legal claim and stated '[i]t is wrong to assume that licensing is required...we are not licensed anywhere.'[515] Second, these PSCs relied upon the provisions of transit passage outlined in UNCLOS to avoid any requirement to license the weapons used during these armed ship escorts with the governments of any states, littoral or otherwise. BARS, for instance, explicitly argued that they did not, nor were they legally required, to have their weapons licensed with Indonesia or Malaysia for the purpose of armed anti-piracy escorts through the Straits.[516] In effect, by assiduously avoiding security tasks that would fall outside of the legal parameters of the right of transit passage provided under UNCLOS, these PSCs claimed they had the legal authority to conduct their armed escort work without any licenses whatsoever by any state.[517] Indeed, under UNCLOS, GDMA and their legal advisors argued that Indonesia and Malaysia's legal right to intervene—even in the event of a potential breach of transit passage by a GDMA or client vessel during a ship escort—was extremely limited by this international treaty.[518]

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[514] 'Malaysia Warns on Private Marine Security Escorts'
http://www.marinelog.com/DOCS/NEWSMMV/2005may02.html accessed August 10 2008.

[515] Telephone interview, Alex Duperouzel, Managing Director of Background Asia Risk Solutions, 20/10/05.

[516] BARS also stated that practical problems with multiple jurisdictions kept them from trying to license weapons. One BARS manager stated this issue thusly: 'If you are a terrestrial security firm you have one, maybe two jurisdictions to worry about. With us, we might transit through as many as five or six jurisdictions in a single mission. It [i.e. licensing] is not feasible for the type of work we do.' Telephone interview, Alex Duperouzel, Managing Director of Background Asia Risk Solutions, 20/10/05.

[517] According to Alex Duperouzel, other, non-escort services or tasks would have required a license. For example, Singapore requires that a PSC providing security for ships 'bunkering' (i.e. taking on fuel at or near port) needs to be registered with Singaporean authorities. This activity clearly falls outside the parameters of the right of transit passage, and BARS turned down requests to provide this service to retain its unlicensed status. Similarly, if a PSC actively chased a pirate vessel, rather than simply defend against pirate attacks, this too would violate the clause of 'continuous and expeditious' transit passage as outlined in UNCLOS III. Telephone interview, Alex Duperouzel, Managing Director of Background Asia Risk Solutions, 20/10/05.

[518] Typically, it would require the littoral state to request permission to intervene from the government of the vessel's flag state prior to any actions taken by the littoral state's security forces. Email correspondence, Stephen Weatherford, November 25 2008.

However, the fact that these PSCs were able to use international law to override Malaysian and Indonesian attempts to deny these PSCs the right of conducting armed vessel escorts through their territorial waters did not mean that these states did not have a *de facto* capability to physically intervene in these private security ship escorts. Indeed, GDMA acknowledged that in the eventuality of a private security team member shooting (and wounding or even killing) a pirate assailant the client and/or PSC escort vessel could be subject to boarding by state maritime security forces. In this case, irrespective of the legal provisions of UNCLOS, the private security team— and the 'shooter' in particular—could be subject to criminal investigation, arrest and detention.[519]

Importantly, however, this *de facto* power of arrest did not directly translate into an *automatic* ability of the state to treat a potential PSC shooting incident as an illegal and criminal action on the part of the private security company or its private client. Indeed, both GDMA and BARS actually used the Malaysian and Indonesian law codes to provide themselves legal protection against interference from the governments of these two states. Specifically, these PSCs relied upon the common law tradition of 'the right of self defense'—as legally codified within each state jurisdiction they operated in—to provide them with the legitimate authority to use their weapons against pirates in self defense.[520] By aligning their 'rules of engagement' or rules for the use of force within the parameters of each state's laws pertaining to self defense, BARS and GDMA were able to make a legal case for the use of deadly force during a pirate

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[519] Telephone interview, Stephen Weatherford, GDMA 14/10/08.
[520] The requirements for legal right to self defense were different in different national jurisdictions. According to BARS personnel, '[i]n Singapore, for example, the right to use force in self defense does not exist unless you first call for help, so [BARS security teams] are sure to issue a mayday distress call before using force.' Telephone interview, Alex Duperouzel, Background Asia Risk Solutions 20/10/05.

attack in the event of Malaysian or Indonesian security forces boarding and arresting

PSC personnel or threatening criminal charges against the PSC or its client.[521]

This interlocking matrix of international and national law used by these PSCs to

protect themselves from prosecution by littoral state governments included the rights

of private property owners to protect themselves and their property from criminal

attacks. Arguing that 'we are no different to an armed security service protecting a

building on land in any country' the GDMA director of operations Stephen

Weatherford and his legal advisors adopted laws pertaining to private property into a

legal justification for the potential use of lethal self defense .[522] Technically, this

involved the private-private hybrid being legally combined into a single entity, with

the PSC security personnel being contractually designated as 'supernumeraries'—

essentially a legal extension of the client's crew—for the duration of the security

escort service.[523] Other sources of maritime regulations—including SOLAS, ISPS, the

laws of the client's flag state, and regulations from the International Maritime

Organization were also explicitly adhered to by GDMA and BARS to bolster the

legitimacy and legality of their security escorts.

Ultimately, this political dispute regarding the nature of authority over security

governance in the Malacca Straits was resolved in favor of the private security firms

against the political will of the littoral states. Government officials such as the

Malaysian Deputy Prime Minister Najib Razak were forced to publicly acknowledge

that the littoral states were required under international law to allow armed PSC escort

vessels to pass unmolested through their territorial waters. Moreover, this point was

conceded by referring to the same transit passage clause found in UNCLOS that the

PSCs themselves had used as legal justification for their operations. The Malaysian

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[521] Multiple telephone interviews with BARS and GDMA personnel.

[522] Agence France Presse, 'Armed Escorts in High Demand in Asia's Pirate-Infested Waters' May 8 2005.

[523] Email correspondence, Steve Weatherford, 26/11/08.

Deputy Prime Minister, for example, admitted '[w]e are obliged under the straits regime to allow them transit passage...passage that should be continuous and expeditious.'[524]

This admission that Malaysia was not only a regulator of security governance but was itself also *regulated* by international law provided an extreme example of the potential ramifications when both the *authority over* and the *implementation of* security governance is de-linked from the state. In this instance, rather than insisting that these PSC escorts remain consistent with Malaysian law while transiting through Malaysian waters, the Deputy Prime Minister was limited in his insistence that '...these [private security services] should remain consistent with *international law.*'[525] Due to the transit passage clause of UNCLOS—and that fact that the littoral states were signatories to this treaty—private security companies were able to legally implement a security governance program within the territorial waters of Malaysia and Indonesia under authority based on international law over and against the political will of the governments of these two states. This not only changed the locus of decision-making over security governance, but it also changed the content of security governance within the Straits as well. This next section provides a detailed description of the nature of these private security escorts.

5.4.3 *Private Security Anti-Piracy Security Escorts: Security Governance Beyond the State*

With this legal argument in place, private security companies continued to offer escort services to private clients in the Malacca Straits. In one example, between May and

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[524] Agence France Presse 'Armed Escort Vessels can Sail in Malaysian Waters: Defense Minister' June 5 2005.
[525] Emphasis added. Ibid.

August of 2005 GDMA provided a series of armed escort security services for the Malaysian bunker supplier[526] firm Ban Hoe Leong (BHL).[527] Despite the ongoing public dispute, BHL viewed hiring a PSC to protect its slow moving 100-meter long tankers from piracy as a necessary political risk and a reasonable business expense. This decision was aided by the fact that BHL's fleet was particularly vulnerable to the increasing number of piracy incidents in the region. When fully loaded, though the raised bow and the aft above-deck pilot tower were a considerable height from the waterline, the large mid-ship section of one of Ban Hoe Leong's tankers could be as low as six feet from the water. This meant that pirates attempting to gain access to a Ban Hoe Leong tanker could forgo the use of hooks and ropes and needed little more than a small traditional boat to cruise up to the tanker to gain access to the deck. [528] For these reasons BHL hired GDMA to design and implement an anti-piracy escort service for their tankers as they transited through the Straits.[529]

During the course of this business arrangement the majority of the security governance engaged in by this private-auspice/private-implementer partnership between BHL and GDMA involved the use of unarmed GDMA security personnel placed directly onboard BHL tankers. Typically, these uniformed security teams would stand watch mid-ship to act as a visible anti-piracy deterrent and would carry out a GDMA security protocol in the event of a pirate incident.[530] On a number of occasions, however, BHL specifically requested that GDMA include a contingent of *armed* security personnel as part of their anti-piracy escort service.[531]

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[526] 'Bunkering' refers to the process of refueling of a ship. A bunker supplier specializes in the technical process of bunkering.
[527] 'Bunker Supplier Turns to Maritime Security Escorts', *Bunkerworld*, November 2005, p.10.
[528] For a discussion of how pirates would do this in the Malacca Straits, see John Burnett, *Dangerous Waters: Modern Piracy and Terror on the High Seas* Penguin, New York 2002.
[529] 'Bunker Supplier turns to Maritime Security Escorts', *Bunkerworld*, November 2005, p.10.
[530] Telephone interview, Steve Weatherford, 12/05/08.
[531] 'Bunker Supplier turns to Maritime Security Escorts' *Bunkerworld*, Novermber 2005, p.10.

In order to operate within the legal stipulations of transit passage as outlined by UNCLOS, these armed escorts needed to begin outside of Malaysian or Indonesian national waters. As a result, GDMA would deploy their armed security teams to international waters—for instance just east of the Horsburgh Lighthouse at the Eastern entrance to the Malacca Straits—to board or convoy with the client BHL tanker and escort it through the Straits. Though this legal requirement was a logistical inconvenience, the ability and willingness of GDMA to extend their armed escort service for BHL tankers into international waters (beyond the limits of littoral state security agency patrols) was one of the reasons the BHL general manager, Hean Boon Yeow turned to GDMA in the first place.[532]

Under the original escort method devised for this client, GDMA used two converted ex-Japanese coast guard vessels—the *Glenn Fearless* and the *Glenn Enforcer*—from its corporate fleet to provide a PSC escort vessel for the BHL tankers.[533] During this method of anti-piracy escort, GDMA used one of its escort ships—complete with a crew and a ten person security team armed with automatic rifles—to sail in close proximity to the BHL tanker during its voyage. This escort method provided BHL with a highly visible security deterrent against would-be pirate attacks and also allowed the private security team to physically place itself between the client vessel and a potentially hostile ship.[534] The use of an escort ship also allowed Glenn Defense Marine Asia to proactively engage with and—within the bounds allowed under a 'continuous and expeditious' transit passage—extend a security zone around the client vessel while warning off suspicious approaching ships. Paralleling the broader effects of the private security details analyzed in Iraq, although this security service was

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[532] Ibid.
[533] Multiple interviews, Steve Weatherford. For photos of these two GDMA escort vessels see http://www.glennmarinegroup.com/sea_assets.html accessed July 12 2008.
[534] Telephone interview, Steve Weatherford 12/05/08.

strictly limited to the self defense of the BHL tanker and crew, the creation of this security zone meant that GDMA escort vessels also had a significant effect on the nature of security governance within the territorial waters in the immediate vicinity of its client.

In practice, despite the advantages of physically placing a floating platform between a possible pirate attacker and the client's tanker, the *Fearless* and the *Enforcer* had a limited range and were also cost prohibitive for smaller clients such as Ban Hoe Leong.[535] As a result, the second and more frequently employed armed escort method GDMA provided to Ban Hoe Leong was the placement of GDMA security teams directly onboard the BHL tankers. These GDMA security teams came out of a rota of about sixty men used by Glenn Defense Marine Asia and were comprised primarily of Nepalese Gurkhas whom had previous military experience in the Nepalese, Indian, or UK armed forces.[536] Each ten-person team consisted of nine Gurkhas led by one Western expatriate GDMA team leader that typically had a background in an elite unit in a Western military.[537] Once onboard the BHL tanker, these GDMA teams were divided into three units and worked a security schedule that rotated on an eight hour shift basis. One unit of three uniformed and unarmed Glenn security personnel would stand watch on the deck of the client vessel at all times, while a second security unit remained off-deck and ready as an armed quick reaction force.[538] The remaining three members of the security team would be sleeping below deck and would be woken in

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[535] The cost of fuel for the escort vessel was a major source of overhead. While major oil firms were allegedly willing to pay the higher costs—between $50,000 and 100,000 per escort—associated with using a PSC escort vessel, smaller regional firms like BHL were typically unable and unwilling to pay these higher prices. Multiple interviews, PSC personnel, 2005.

[536] Lee Hong Liang, 'Bravehearts Securing the Peace for Shipping', *Bunkerworld*, November 2005, p.10. Each of these men were given additional training—including tactical maritime weapons training—as well as legal instruction in rules for the use of force.

[537] For instance, the GDMA director of operations was a former Special Forces soldier in the US military.

[538] Under security procedures designed by GDMA, these armed security personnel would remain out of sight to avoid any potential misunderstandings with random littoral state maritime patrols that might mistake these armed Glenn security personnel for pirates.

the event of a crisis to act as the second responder—after the armed team response—during a security incident.[539]

Control over this security team and their actions were the product of cooperation between the private auspice BHL and the private security implementer GDMA. In practice, this essentially meant a division of control between the ship master[540] and the GDMA security team leader. Officially, the ship master maintained overall command of the ship and the actions of its crew in his capacity as the officer of this merchant vessel. However, in actual practice the GDMA team leader was given considerable authority via the contract with BHL to advise the ship master in all matters relating to ship security. Importantly, the GDMA team leader also designed the content of the client vessel's security procedures and maintained tactical command over the private security force onboard the BHL tanker.[541]

In the eventuality of an attack by pirates the GDMA team leader's responsibilities extended to include overseeing the ship master's distress calls to state authorities as well as directing the ship master through a series of escalating non-violent deterrence measures prior to any consideration of the use of firearms. First, open channel radio communication and the use of loudhailers were used to communicate with and warn off any suspicious approaching vessel. If this failed, the speed of the tanker would be increased and evasive steering maneuvers would be enacted to communicate an active intent to hinder any attempts at a pirate boarding. GDMA was also contractually authorized by the client to initiate a series of other non-violent countermeasures, including stationing men at the fire hoses mounted to the sides of the tanker. If a suspected pirate vessel continued to approach the tanker, these fire hoses would be manned by the private security team to repel any boarding attempt and to threaten any

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[539] Multiple telephone interviews, Stephen Weatherford GDMA Director of Operations 2008.
[540] A ship master is the officer in command of a merchant ship and is typically also the captain of the ship.
[541] Telephone interview, Stephen Weatherford GDMA Director of Operations 12/08/08.

small approaching vessel with sinking under the weight of the pressurized water shot into their boat. [542]

The significance of conceptualizing (and emphasizing) the relationship between the PSC and its client auspice in terms of a hybrid private-private *actor* becomes especially salient when analyzing the nature of the control over the use firearms; the decision whether or not to use them was contractually divided and held jointly by BHL and GDMA. In the event of a pirate attack, the ship master would first need to authorize the GDMA team leader to use their firearms. Once this permission was granted, the private security team leader needed to give the order to the armed members of the security team to fire the M-16 rifles they carried on these missions.[543] Since GDMA was hired precisely in their capacity as a professional security advisor, this decision process involved the private security team leader advising the civilian ship master if and when the use of firearms was required. Importantly, however, the PSC also retained the contractual right to refuse to fire their weapons in the event of the ship master authorizing and then requesting that the GDMA security team to open fire on pirates attacking the vessel.[544] Thus, while the auspice could not force the private security team to fire its weapons, the private security personnel could not do so without the permission of the auspice. As a result of this, a crucial element of security governance—namely the authority over the use of lethal force—was divided between the private auspice and their PSC implementing partner.

This section's survey of the techniques put in place by GDMA to counter the event of a pirate security incident—though significant in its own right—also sheds light on the

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[542] Ibid.
[543] Ibid.
[544]Specifically, the GDMA director of operations did not want to be ordered to discharge GDMA weapons by a civilian ship master that was under duress during a pirate attack who might give an order to fire before it was necessary to do so to protect the crew or vessel. Telephone interview, Stephen Weatherford 12/08/08.

broader effects of this hybrid private-private security network on the nature of security governance within Malacca Straits in general. These private security escorts did not merely constitute a re-distribution in the location of decision-making over the nature of security governance within the Straits. Instead, the procedures put in place by GDMA to thwart piratical attacks upon Ban Hoe Leong's vessels also injected a preventative approach—or mentality—to security provision that was fundamentally different from that of state security actors.[545] GDMA's focus on piracy *prevention*— rather than the state security force's emphasis on piracy *apprehension*—brought with it a series of techniques and responsibilities divorced from the question of public security more broadly.

Moreover, GDMA's emphasis on the security of its client—rather than public security—changed the referent object of the PSC's security governance program, and therefore changed the very metrics used to measure the 'success' of the provision of security itself. This fact did not necessarily present a challenge to the public order (as defined by Indonesia and Malaysia) within the Straits. Indeed, as will be discussed below, these PSCs plausibly argued that their anti-piracy escorts actually increased public security. However, *since the very definition of security itself* was radically different for GDMA and the state security forces, a real political tension nevertheless existed in a way that transcended a simple re-distribution of security-related decision-making.[546]

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[545] For a short discussion on the mentality of private security, see Les Johnston, 'Transnational Private Policing', in (ed.) J.W.E. Sheptycki *Issues In Transnational Policing,* London, Routledge, 2000 p.39.

[546] For instance, many maritime security experts and institutions—such as the International Maritime Bureau—have argued that the use of armed private security anti-piracy escorts creates an arms race that may increase the degree of violence used by pirates and therefore reduce overall public security. Others have disputed this claim and argue the opposite. Irrespective of the net gain or let loss in public security within the Straits as a result of these PSC operations—something very hard to measure—the fact that littoral states and PSCs have different referent objects for security means that they will view this question differently.

5.4.4 *Informal Security Networks: Connections, Concessions and Coordination*

As previously demonstrated, although private security companies were not legally obliged to coordinate their escort missions through the Malacca Straits with the littoral state governments, the *de facto* powers of these states meant that PSCs had a pragmatic interest in doing so. As a result, both BARS and GDMA engaged in a series of informal meetings with Indonesian and Malaysian authorities—at various levels within the government and security forces—designed to build trust as well as to gain tacit approval for their escort operations.[547]

In the case of GDMA, this operated on two levels. First, the fact that the company had been based in East Asia for sixty years providing diversified marine husbanding, naval logistics, force protection and other support services for the region's navies meant that GDMA was able to use its long term working relationships and political connections with local littoral state political authorities to facilitate informal agreements regarding its security work.[548] GDMA referred explicitly to its informal political network on its website that advertised:

'...after many years of close working relationships with the relevant local authorities in host countries that GDMA operates, we have built for ourselves an impressive and strong network of contacts and ground knowledge. Thereby allowing us to excel in arranging critical diplomatic meetings and conferences where local protocols, security requirements and logistics combine to offer unique challenges to our clients.'[549]

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[547] In the words of a BARS official, 'Until you sit down face to face with someone, [security officials] distrust you, and are bound to think the worst of you.' Alex Duperouzel, Telephone interview, 20/10/05. Reportedly, these types of informal meetings also occasionally involved the 'informal' exchange of cash. See Carolin Liss, 'The Role of Private Security Companies in Securing the Malacca Strait', *Maritime Studies*, November – December 2007, p.17.

[548] These connections existed up to the Cabinet level within certain governments. Telephone interview, Stephen Weatherford, GDMA 27/08/08.

[549] See Glenn Defense Marine Asia website. http://www.glennmarinegroup.com/profile.html Accessed 20/08/08.

Second, these meetings also took place at the operational level between Glenn Defense security team management and officers within the Malaysian Marine Police and the Indonesian Navy. For example, management from Glenn Defense Marine Asia made it a point to directly contact and speak with the Indonesian and Malaysian security officers responsible for running the maritime patrols in the Straits. These meetings were designed to familiarize these officers—likely the first point of contact with Malaysian or Indonesian authorities in the event of a security incident at sea—with GDMA's escorts as well as to answer any questions and allay any concerns they might have about GDMA's work. PSCs also used these meetings to review littoral state law with the state security personnel responsible for enforcing it. In the words of the CEO of Background Asia Risks Solutions:

'...the law in Asia is often unclear. So it is always a good idea to sit down with the person who enforces the law and ask them "how do you read this?" They are not going to give you a permission slip, but they'll warn you off.'[550]

State security officials, for their part, used these informal meetings to induce the PSCs to make certain security-related concessions. For instance, BARS refrained from carrying fifty-calibre sniper rifles on board their escort ships—something they claimed they were within their legal rights to do—and also switched from using AK-47 automatic rifles to M-16s after specific requests that they do so came from littoral state police forces during such informal meetings.[551]

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[550]Telephone interview, Alex Duperouzel, 20/08/05. In the course of these meetings GDMA representatives also discussed their interpretation of international and Malaysian or Indonesian law as it pertained to the right of armed self defense and their armed escort services in general. Telephone correspondence, Stephen Weatherford GDMA 12/10/08.
[551] Telephone interview, Alex Duperouzel, BARS 20/10/05.

GDMA also made attempts to create positive inducements for cooperation and a degree of networked coordination between their company and local naval and maritime police forces. GDMA and other PSCs intentionally attempted to control and modify local security forces' perception of PSC security escorts by contextualising their ship escorts in terms of a partnership with littoral state security forces. For instance, BARS and GDMA assiduously explained to law enforcement officials that they *only* engaged in self defense security measures and that they decidedly *did not* engage in any proactive efforts of piracy eradication, apprehension, or other activity that fell into the realm of law enforcement activity.[552]

At the same time, these PSCs explained to law state security personnel that they had written up protocols of evidence preservation for 'maintaining the crime scene'—such as taking a written statements as well as 'isolating the shooter' after a shooting incident—to assist law enforcement in the event of the necessity of state security personnel to conduct a shooting investigation.[553] This image of assisting the state in creating a secure environment without infringing on the state's role in law enforcement is precisely what the managing director of BARS sought to convey during meetings with state security personnel. For instance, while delivering a presentation entitled 'The Role of Private Security in the Malacca Straits' the BARS CEO argued that:

'[p]rivate maritime security is only useful as a supplement to existing sovereign security. It is not there to supplant the important and vital role of navies, coast guards and marine police.'[554]

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[552] Telephone interviews, BARS and GDMA personnel. October 2005.
[553] Ibid.
[554] Alex Duperouzel 'The Role of Private Security in the Malacca Straits' paper presented to LIMA 2005, Langkawi, Malaysia.

GDMA also provided littoral states with another concrete example of how this partnership would work in practice as a networked relationship. Specifically they argued that GDMA was willing to use their armed ship escorts as a means of sharing intelligence, thereby extending the surveillance capacity of over-stretched littoral state security forces capable of patrolling only a fraction of their territorial waters.[555]

GDMA also coordinated their armed presence on board and armed vessel escorts with littoral state authorities by informing them of their entrance in the Straits at a particular landmark and then giving them an estimate of their speed to allow state security forces to plot the general location of the armed security team and client during their escort voyage.[556] Glenn Defense Marine Asia institutionalized this practice for a number of reasons. First, this notification acted as an informal acknowledgement of state authority over security governance within their territorial waters and helped assuage the concerns of public security forces by giving them a degree of surveillance over GDMA armed escort operations. Second, this information had the potential to give Malaysian or Indonesian security forces a head start in offering assistance in the case of a distress call made during one of these escorts. Third, and in a related fashion, it allowed state security agents to have foreknowledge of an armed private security contingent operating in the area in the event of a distress call, thereby reducing the chance of an accidental shooting by police or naval officials mistaking armed GDMA personnel onboard a client vessel as pirates.[557]

Though GDMA and BARS did provide a minimal degree of coordination and cooperation with littoral states and their security forces, there were also clear limitations to these informal security networks. First, and foremost, there were no

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[555] Specifically, GDMA would report the time of sighting and location of suspicious vessels encountered during their journeys. Telephone interview, Stephen Weatherford, 12/10/08.
[556] Ibid.
[557] Ibid.

public security personnel embedded into any GDMA or BARS armed escort operations in the Malacca Straits. Indeed, Malaysian Marine Police personnel turned down repeated offers by GDMA to accept employment and/or a *per diem* financial compensation package to participate in GDMA ship escorts during operations that would pass through Malaysian waters.[558]

Indeed, even publicly discussing the existence of these informal arrangements between these PSCs and the local government officials and state security personnel was problematic. Both Malaysian and Indonesian authorities, for instance, publicly denied that these informal sessions even took place.'[559] As a result, even though these meetings and other attempts at creating networks with littoral state security forces went some way in mitigating the political risks associated with running this maritime security governance program against the expressed wishes of local governments, they did not eliminate the tension between these PSCs and Malaysia and Indonesia.

5.4.5 *Case Study Conclusion*

This study of anti-piracy vessel escorts in the Straits of Malacca moved away from an analysis of hybrid public-private security actor towards a study of a private-private (i.e. PSC-corporate) security actor and its interactions with state security forces. In contradistinction to—and in a move beyond—discussions within the private security governance literature that argue private security companies derive their '...legitimacy precisely from their connections to the state', [560] this case study demonstrates how private security may ground its legitimacy *independently* from the state. Indeed, though an entrepreneurial use of international law, this case study demonstrates how

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[558] Ibid.
[559] Captain Noor Apandi Osnin, 'Armed Escorts in the Strait of Malacca: A Challenge to Malaysia's Governance' Paper presented at the MIMA seminar on Private Maritime Security. March 17 2006 p.16.
[560] See Rita Abrahamsen and Michael Williams 'Securing the City' p.238.

private security companies can use alternative sources of meta-political authority to operate security governance programs in opposition to the state. However, importantly, both BARS and GDMA also relied upon a matrix of other sources of law to legitimate their anti-piracy escorts. Specifically, they relied upon the authority derivative of their role as the agents of legal private property holders (i.e. their clients) as well as the right of self defense enshrined in the domestic laws of each nation whose territorial waters they passed through.

While GDMA and BARS were not tied to the state in the form of a hybrid public-private security network, they were connected to the littoral states via a loose and informal security network. While this informal security network was similar to those informal networks discussed in Iraq, there were also differences. For instance, the security activities of GDMA and BARS in the Malacca Straits were not the result of state initiated 'responsibilization' programs or other state strategies of rule at a distance. Specifically, Malaysia and Indonesia did not intend to embed new security functions into the commercial shipping industry or seek to 'activate' non-state resources in an attempt to extend the state's ability to counter the threat of piracy within their territorial waters. However, both PSCs nevertheless interacted and coordinated with each other and with the governments and security forces of the littoral states—both to share information and exchange intelligence—in a fashion that constituted a broader informal security network.

As a result, the Malacca Straits became a 'shared space' where autonomous public and hybrid private-private security actors interacted with one another, implementing different security governance programs under different regimes of meta-political authority. As with the other case studies analyzed, the security governance engaged in by these private security companies was not limited to private property but instead

operated within the public space of international, Indonesian and Malaysian waters. Uniquely, this case study also illustrated an example of a private security actor crossing multiple state jurisdictions within a single security operation, thus offering another critique of static assumptions regarding the correspondence of territory to the provision of security governance.

The pluralization of security governance within the Straits also came with a new mode of preventative, risk-oriented security initiated by these PSCs to protect their clients that changed the nature of security provision within this body of water. For these PSCs, the metrics of success were defined not in terms of reducing the threat of piracy within the Malacca Straits as a whole—which constituted an alternative public security success metric—but rather in terms of the safe passage of the client vessel. Beyond the fact that the locus of security governance decision-making was shifted to the private auspice and its private security partner—and irrespective of whether public security was enhanced or impaired—both the referent object and content of security governance was also changed. Finally, in an extreme example of the separation of authority over security governance *itself* from the state, this case study demonstrated how PSCs can engage in legal and legitimate competition with states over the content of security governance within a state's own territory.

5.5 Chapter Conclusion

Through a pragmatic and entrepreneurial search for the legal authority to engage in various maritime security governance programs, Hart Security, BARS and GDMA demonstrated the new avenues available for private security to engage in security governance when meta-political authority is longer monopolised by the state. In so doing, they also demonstrated how authoritative regulatory activity as it pertains to

security governance cannot simply be imagined—as a state-centric Realist model suggests—as always flowing in a hierarchical fashion from the state downwards towards non-state actors. By emphasising the importance of a legal-formal concept of meta-political authority within its discussion of private security's relationship to security governance more broadly, this dissertation is uniquely situated not only to bring these new patterns of security governance to light, but also to highlight the way private security may engage in security governance programs that directly contradict the political will of the state—even within its own territorial space—while still maintaining its status as a legal and legitimate security actor.

6   The Global Transformation of Private Security Training

'While all professions are to some extent regulated by the state, the military profession is monopolized by the state.'[561] – Samuel Huntington

'We've got more Generals per square foot here than the Pentagon.'
–Ret. Lt. Gen. Ed Soyster, Military Professional Resources Incorporated

6.1 *Introduction*

This final chapter shifts this dissertation's empirical focus on case studies of hybrid security networks towards an analysis of the broader global market in private security training. In doing so, it provides a security governance analysis of the pluralisation of both the *customers* and the *suppliers* of this training, and also discusses the various types of transformations and hybridizations associated with this new global security training market. At the same time, it provides a discussion of some of the global private security companies that operate in this new market, and offers a broad historical and industry-wide context within which to situate the previous case-study-centric chapters of this dissertation.

While as recently as ten years ago any discussion of a global market for private security training would have been premature, today, an increasingly consolidated and professionalized sector of the private security industry is changing the way states train their security forces. The last decade has witnessed private security companies transform themselves from a small-scale and *ad hoc* domestic training asset or discreet tool of foreign military assistance[562] into an important global supplier of military

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[561] Samuel Huntington *The Soldier and the State: the Theory and Politics of Civil-Military Relations* (Cambridge: Harvard University Press) pp.14-15.
[562] The notion of private security companies being used in an *ad hoc* fashion as 'discreet tools' of foreign policy was a common feature—and an historically accurate claim—made by early journalistic investigations of private security companies and studies within the security studies literature. For the

training. This fact has been most dramatically and visibly underscored by the prominent

transnational training role played by private security companies in Afghanistan and Iraq,

where private firms have been awarded a spectrum of large-scale training contracts for

the new Iraqi military, police, and paramilitary forces.[563] Less spectacular yet equally

transformative has been the privatisation of the training of Western armed forces

themselves. Offering courses ranging from sniper marksmanship and advanced urban

combat tactics to more technologically sophisticated flight simulations centers, the

private security industry is now offering alternatives to government owned and operated

military training facilities around the world.

In a number of previous studies, this new market in security training has been viewed as

either a net loss or net gain for the state, often measured in terms of the cost-

effectiveness of outsourced training or various contract compliance issues.[564] While this

approach has proven useful, its state-centric and zero-sum focus on the relative

efficiencies or inefficiencies of public versus private security training obscures and

leaves unaddressed other, broader implications related to the privatisation of security

training. Specifically, it obscures the way that private security is both an agent and the

effect of a de-linking of security training from the state's armed forces that is

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former, see: William D. Hartung, 'Mercenaries, Inc: How a U.S. Company Props Up the House of Saud' *The Progressive*, April, 1996. For the latter, see David Shearer, *Private Armies and Military Intervention*, International Institute for Strategic Studies (Oxford: Oxford University Press) 1998 p.10.

[563] For instance, Dyncorp was awarded a contract reportedly worth $1.7 billion to train over a quarter of a million Iraqi and Afghan police officers. See Renae Merle, 'Coming Under Fire: DynCorp Defends Its Work in Training Foreign Police Forces,' *Washington Post*, 19 Mar. 2007, D01. The Northrop Grumman subsidiary Vinnell was awarded a $48 million contract to train the first nine battalions of the new Iraqi Army. See 'Northrop Grumman Awarded $48 million Contract to Train New Iraqi Army,' *PR Newswire Association, Inc.*, 2 July 2003. The South African firm Erinys was awarded a $39.5 million contract in August 2003 to train a 6,500 member paramilitary Iraqi Oil Protection Force. See 'Iraqi Efforts to Secure Oil Facilities a Boon to Security Firms,' *The Oil Daily* 53(163) 15 August 2003.

[564] For instance, Deborah Avant measures 'functional control' of security largely in terms of the relative cost-effectiveness of private versus public provision of various security related services and uses private military training contracts as case studies. See Avant, *The Market for Force*; Peter Singer also measured private defense training in terms of cost effectiveness and other issues related to the loss of state control. See *Corporate Warriors*; See also Patrick Cullen and Peter Weinberger, *Reframing the Defense Outsourcing Debate: Merging Government Oversight with Industry Partnership* (Washington DC: Peace Operations Institute) 2007.

transforming the institution of military training itself. In contrast, this chapter applies its security governance model to map and highlight a number of facets of this de-linking process, and to explain how it is changing our understanding of military training.

These changes are occurring on a number of different levels. First, with the expansion of private security into military training, the providers of military training are being pluralized. As military training becomes a market commodity and is re-conceptualized as a service similar to any other, governments are increasingly acting as 'customers' that no longer simply assume the state's armed forces have a monopoly on military expertise and instead look to both the public and private sector to fulfil their training requirements.

Second, the *consumers* of military training are becoming pluralized in both the public and private sectors. In the public sector, as governmental agencies adapt to the pressures of globalisation and to post-9/11 security threats that blur the military/police divide, a host of public auspices located below, above, and horizontally within the state (yet outside of the armed forces) have been given new requirements for security training traditionally considered intrinsically 'military' or 'police' in nature. Absent traditional security requirements—and hence without any internal capacity to provide security training for their personnel—these governmental agencies have partnered with private security to provide security training for their personnel that had traditionally been reserved for members of the police and military.

A similar process has occurred within the private sector as well. As various non-state actors operating in politically unstable areas have increasingly become the targets of organized violence—and have simultaneously been given greater responsibility to provide their employees with suitable levels of security—they too have turned to private security for training assistance. Within the private sector, the pluralization of consumers

of security training has extended to both commercial and non-profit organizations—such as humanitarian NGOs, media outlets, multi-national corporations—that have turned to private security to provide their employees with specialized security training.[565]

Third—and following from this last point—as the public and private sectors work with the private security industry to fulfill these new security requirements, states, non-state actors and private security are reflexively[566] involved in creating a new concept of—and market in—'security training' that is reinterpreting and transcending the traditional police/military functional divide. This reinterpretation has involved the private security industry transforming itself as a professional provider of hybrid security skill-sets along the whole functional police-military skill-set range in a way that differentiates private security from the 'military' training and 'police' training conducted by the state's police and military institutions. Today, private security is positioning itself as a professional security actor providing a new type of security training to a variety of state, non-state, and public-private actors. Moreover, they are self-consciously moving beyond the confines of any individual state by providing these services on an increasingly *global* scale.

6.2 *The Origins of Modern Private Military Training: A Post-WWII British Narrative*

While it is accurate to characterize the contemporary market for private military training as increasingly global—in terms of the multinational characteristics of the firms providing this training as well as their international clientele—the modern origins of this

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[565] For example, media outlets often use private security to provide security training to their war correspondents, including counter-surveillance techniques and minefield identification. In an important example of the impact new risk mentalities can have on security governance, much of this training is becoming mandatory in order to get insurance policy coverage.

[566] The term 'reflexive' is used here to describe the way these actors are mutually involved in the social construction of new actor identities for both private security and its state and non-state clients.

training industry are decidedly Anglo-American in nature. One influential first-cut narrative of the origins of contemporary private military training refers to the small firms comprised of retired British and European soldiers that specialized in providing small unit tactical military training to post-colonial and pro-Western states during the 1960s and 1970s.[567] British firms in particular have a long and rich history of this type of overseas military training. Often credited with creating the template for the modern 'private military company,' David Stirling, founder of the British Special Air Service (SAS), created the Watchguard Organisation in 1967 to provide military training and other services to governments friendly to the United Kingdom in the Middle East and Africa, 'from Abu Dhabi to Zambia.'[568] During the 1980s dozens of small British firms sought to emulate this business model and met with varying degrees of success. Often working out of converted London livingrooms and equipped with little more than a short list of personal connections to potential government clients, a significant proportion of these British companies were built around one or two training contracts and disappeared shortly after their completion. Falconstar's 1982 contract with the Ugandan government to train and organize the Ugandan Police Special Force, a paramilitary force used to operate against domestic insurgents, was typical of many of these contracts.[569] At the other end of the spectrum successful firms such as Defence Systems Ltd (later to become ArmorGroup International) built reputations for professionalism and discretion that allowed them to turn overseas military training into a steady and lucrative business. While these firms would occasionally work as proxies for the British government, providing training to foreign governments that had

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[567] See Kevin O'Brien, 'Private Military Companies and African Security 1990-1998,' in Abel-Fatau Musah and J Kayode Fayemi (eds), *Mercenaries: An African Security Dilemma* (London: Pluto Press) 2000.

[568] Tony Geraghty, *Who Dares Wins: The Story of the Special Air Service 1950-1980* (London: Arms and Armour Press) 1980.

[569] Peter Tickler, *The Modern Mercenary: Dog of War or Soldier of Honour?* (Wellingborough: Patrick Stephens Ltd) 1987.

originally approached the Foreign Office for military assistance—these British firms did not provide training for British armed forces.

6.2.1 *A Post-WWII American Narrative*

By contrast, America's post-World War II experience with private military training differs from this British model in two important respects. First, since the 1970s, the United States armed forces have used a wide array of small domestic private companies for training in a variety of tactical skills ranging from martial arts, skydiving and advanced driving skills to explosives handling and marksmanship. Unlike their British counterparts, in many instances these private companies did not originally conceive of a 'military training market' *per se* and instead had intended to sell their services in the civilian sector. Gunsite provides us with an early example. Originally established in 1976 by a retired US Lt. Colonel as one of the first professional shooting schools for civilian marksmanship in the United States, it immediately began receiving telephone inquiries from various military and police units interested in firearms training.[570] Companies such as Gunsite, whose armouries allowed them to offer courses familiarizing US soldiers with Soviet and other foreign weapons, became popular with elite military units deploying to regions where these weapons would be commonplace on the battlefield. Similarly, high-end professional driving schools that offered specialized driving courses to the public also began receiving requests to train State Department foreign officers and elite forces personnel. As these training relationships matured, a number of civilian driving schools began incorporating shooting ranges into

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[570] Telephone interview with Ed Head, Gunsite Director of Operations, 12/08/06.

their driving course properties and offering shooting instruction at the behest of their government clients.[571]

During the 1980s, small companies offering tactical fighting courses proliferated throughout the US, and as the personal reputations of individual instructors or the quality of a company's training facilities spread through the elite forces community via word of mouth, a number of these firms transitioned their core business from the civilian to the military sector. CQD, a firm founded in 1981, exemplifies this kind of transition. Combining martial arts methods with practical experience gained from working with local and federal police agencies to create a training program in 'integrated armed/unarmed fighting techniques,' CQD was eventually contacted by the Naval Special Warfare Center to train US Navy SEALs in shooting techniques, prisoner control, and dynamic room entry.[572]

This trend shifted somewhat during the 1990s, with small start-up firms headed by retired military personnel looking to market their services directly to the military as opposed to civilian marketplace. Tactical Explosive Entry School (TEES) and Direct Action Resource Center (DARC), founded in 1991 and 1996 respectively, were both set up to exploit this niche elite forces training market, with the former focusing on explosive door breaching and hostage rescue and the latter on urban combat training.[573] While these US firms increasingly began looking like the British PSC insofar that they were comprised of a small number of retired military personnel, they remained distinguished from them by focusing their training business on their own state's armed forces. As late as the mid-1990s, however, the size of the market for training US armed

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[571] Confidential interview with the CEO of US private military training facility. See also http://www.bsr-inc.com/SDT.HTM, accessed 25 October 2006.

[572] Telephone interview with CQD founder Duane Dieter, 08/09/06. See also Bob Pilgrim, 'To Fight Is To Risk Death: Training SEALS To Be Complete Warriors,' *SWAT Weapons, Tactics, and Training for the Real World* April 2003 p.44-8.

[573] Telephone interview with Alan Brosnan, founder of Tactical Explosive Entry School, 16/05/06; Telephone interview with Richard Mason, CEO of Direct Action Resource Center, 05/05/06.

forces personnel in tactical firearms and small unit combat skills remained very limited in absolute terms. Through the 1990s, there were probably less than a dozen US tactical training firms that could claim to train 1,000-3,000 students per year.

The post-World War II American experience with foreign private military training provides a second major difference from the British model. In the same way that the US military's use of private military training came from firms not designed to specifically meet these needs, so too does this model correspond to the origins of the American private sector's training of foreign armed forces. During the Vietnam War the Pentagon funded universities to provide military and police training to South Vietnamese forces and also hired contractors to provide electronics training and develop a South Vietnamese officer corps training program.[574]

In 1975 Vinnell, a firm originally specialising in construction and logistics, was awarded a $77 million contact to manage and implement the complete training and force modernisation of the Saudi Arabian National Guard.[575] Whereas British PSCs engaged in relatively small-scale military training contracts for foreign governments with an often tacit approval of the British government, the Vinnell contract illustrates how the US government was willing to use the private sector as a tool to provide foreign militaries with large-scale training packages. This contract—unique at the time—would later be viewed as precedent-setting and a precursor to future large-scale American train and equip contracts in the former-Yugoslavia, Afghanistan, and Iraq.

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[574] Avant, *The Market for Force*, p. 114.
[575] William Hartung, 'Mercenaries Inc.: How a US Company Props Up the House of Saud,' *The Progressive*, April 1996.

6.3 *Industry Structure: Growth, Transformation, and Consolidation*

Defining the size and structure of the private military training industry has proven to be conceptually problematic due to a number of different factors. First, there is a lack of consensus regarding what precisely constitutes *military* training. For decades modern militaries have used the private sector to train their armed forces personnel in skills such as foreign languages or computer programming deemed integral to the maintenance of the modern military, yet which have not traditionally been considered skills intrinsically military in nature. The US military's use of the advanced civilian driving and martial arts schools described above, for example, complicates the question of what to include and exclude in any definition of private military training.

Second, an added layer of complexity is encountered when one contemplates the possibility of 'military' training being transplanted to various non-military institutions. This is demonstrated by the fact that (as discussed later in this chapter) certain 'military' skill-sets typically seen as functionally specific to the armed forces, such as sniper and close quarter combat training, are increasingly being taught to various government agencies outside of the military. Third, the most commonly cited difficulty with determining the size or structure of this industry is its vast scope and diversity. For example, both SAIC and Gunsite provide armed forces training to personnel from a number of militaries around the world. However, whereas SAIC is a multinational, Fortune 500 company specialising in technology-intensive training simulations and has 44,000 employees with an annual revenue $7.8 billion, Gunsite, in comparison, operates a professional shooting facility based in Arizona employing a few dozen instructors who are sporadically contracted to teach small elite forces units in tactical shooting techniques.[576]

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[576] Interview Ed Head 12/08/06. See also www.saic.com/news/pdf/corporatefactsheet.pdf.

In analytical terms the notion that these two firms represent different sectors in the same military training 'industry'—or an evolving and expanding security industry more generally—is a relatively new concept for military professionals, defense bureaucrats, and academics alike. This fact, combined with the lack of readily available comparative government data on private training contracts, has rendered statistics on the 'size' of the industry problematic at best. For example, while Peter Singer of the Brookings Institution and Doug Brooks of the security firm trade group International Peace Operations Association (IPOA) are ostensibly discussing the same industry, Singer has estimated its annual global revenue at $100 billion, while Brooks places the figure at $20 billion.[577]

Nevertheless, there is a broad consensus that the private security industry is experiencing a rate of tremendous growth. Throughout the 1990s, the value of private security companies with publicly traded stocks grew at twice the rate of the Dow Jones average while corporate estimates have increased the value of the private security industry from $55.6 billion in 1990 to $202 billion by 2010.[578] This growth has occurred in tandem with a growing consolidation between the defense armaments and military training sectors as major defense manufacturers such as Boeing have entered the training market to take advantage of its expanding revenues.[579] The acquisitions of the PSCs MPRI and Vinnell by the defense contractors L-3 Communications and Northrop Grumman, respectively, exemplify this trend towards consolidation. As the private security industry has evolved and matured, so has its ability to project itself as a professional and legitimate member of the defense industry. The Washington, DC,

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[577] Peter Singer, "Peacekeepers Inc," *Policy Review* June/July 2003. Interview with Doug Brooks, Director of International Peace Operations Association, 10/02/07.

[578] Deborah Avant, 'Privatizing Military Training,' *Foreign Policy in Focus* 5(17) June 2000.

[579] For example, Aviation Training International, Ltd, a joint venture between Boeing and Westland Helicopters, Ltd, was selected in 1998 to provide training for the British Army for their Apache attack helicopters for up to 30 years. It has four training centers with state-of-the-art flight simulators, and computer training. See www.atil.co.uk. Accessed 04/09/07.

based IPOA and the British Association of Private Security Companies (BAPSC), founded in 2001 and 2006, respectively, represent the new and formalized advocacy efforts being made by these private security firms.

Changes within defense bureaucracies and defense associations have also contributed to this transformation. In 1998 the Pentagon's acquisition process was radically revamped by establishing online electronic 'shopping malls' that brought potential government 'customers' together with private security firms selling, among other things, military training services. These government websites created a massive virtual market in training services that have exponentially increased the visibility of government training contracts, thereby allowing a myriad of small PSCs to bid on contracts previously hidden by a complex and paper intensive DoD procurement process.[580] This, in turn, has exposed government contracting agents to a much larger pool of private security companies, creating a feedback effect that has increased the government's solicitation of private training contracts. While the United States has taken the lead in this revolution, it is far from a unique case. For example, the Israeli defense export organization, Sibat, has created an online Defense Sales Catalog that advertises the military training services of a series of Israeli PSCs. Similarly, organisations such as the United Kingdom's Defense Manufacturers Association (DMA) traditionally geared towards promoting the country's defence industry *products* have also turned to the internet to facilitate a growing demand in the international market for defence related *services*. Describing itself as a 'one stop consultancy shop' for all aspects of defence and security related needs, the DMA actively seeks to create online networks between British firms offering

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[580] Confidential interview with PSC CEO 09/05/06. See www.fedbizopps.com for a prominent example of one US Federal Government website soliciting military training services.

training services to foreign militaries, and other overseas customers looking for military training.[581]

These structural changes, along with the billions of dollars in revenue generated from the wars in Afghanistan and Iraq, are causally linked to three features of the current private security training industry. First, firms such as MPRI and Vinnell that specialize in large-scale train-and-equip programs for foreign militaries as well as technology and classroom based training are continuing to expand their scale of operations. Second, as a new generation of private security companies reinvest their earnings from providing armed security services in Afghanistan and Iraq into large-scale tactical combat training centers, they are transforming a once niche tactical training market focused on small elite forces units into a large scale business increasingly being used to train large numbers of regular enlisted soldiers in tactical combat techniques. Third, these PSCs are increasingly looking for opportunities to expand their companies into truly global providers of military and security training. These characteristics can be seen in the private security companies highlighted below.

6.4 *Global Private Security Companies*

Founded in 1987, MPRI has developed into one of the largest suppliers of doctrine based military training both within the United States and abroad. Over the past decade the company has seen rapid and steady growth. Between 1997 and 2005, MPRI grew from 400 employees and a business volume of $48 million, to over 3,000 employees worldwide and reported revenues exceeding two billion dollars. Headquartered near the Pentagon in Alexandria, Virginia, MPRI draws on an online database of over 15,000 individuals, comprised primarily of retired military personnel, to undertake a wide array

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[581] See www.the-dma.org.uk/Products/main.asp.

of training functions, including pre-deployment training, new equipment training, and force on force training.[582] Within the United States, MPRI has provided instructors to various military schools such as the US Army Force Management School, and the US Army Sergeants Major Academy, and has also designed the doctrine and curriculum used by the US Army to train and educate its soldiers.

In this capacity, MPRI has written numerous field manuals, authored future warfighting concepts, and has written strategic opposition forces doctrine for the US military. Internationally, MPRI has operated in more than forty countries worldwide and opened subsidiary offices in Europe and the Middle East.[583] In Africa alone, MPRI has supported the US State Department's African Contingency Operations and Assistance Program (ACOTA), conducted armed forces re-professionalizing programs in Nigeria, operated a sophisticated maritime simulations center in Egypt, trained the armed forces of Equatorial Guinea, and worked in a wide range of training programs in support of the South African Department of Defence. Most recently, MPRI won a $15 million contract to provide instructors for a Baghdad Counterinsurgency Center for Excellence through the year 2010.[584]

While MPRI has been at the forefront of doctrine-based classroom and technology intensive training, Blackwater USA has positioned itself at the leader of the private security industry's rapid expansion into tactical military training. Between 2002 and 2005, its annual revenue increased an estimated 600 per cent, winning over $500 million in contracts since 2000.[585] With 100 trainers on staff, the Blackwater Training Center—a massive 6,000 acre facility including 40 computerised shooting ranges,

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[582] This tactical battlefield training has included training exercises to sustain crew proficiency in tank, armoured personnel carriers, artillery, and mortar gunnery.
[583] See www.mpri.com.
[584] See www.defenselink.mil/contracts.
[585] See www.fastcompany.com/magazine/103/open_11-jackson.html; see also Bill Sizemore, and Joanne Kimberlin, 'Blackwater: On the Front Lines,' *The Virginia Pilot*, 26 July 2006.

sophisticated shoothouses, parachute drop zones, a mock village, two mock ships, and miles of driving track—exemplifies the new, infrastructure-intensive penetration of the private security industry into the tactical military training market. This large facility, based in Moyock, North Carolina, has allowed Blackwater to conduct thousands of short-term contracts training soldiers at the unit or infantry company level in advanced driving, marksmanship, and urban warfare courses.[586] Success with these contracts has led to an unprecedented expansion in privately sourced tactical military training. In its single largest contract to date, Blackwater was hired to train 50,000 US Navy personnel in weapons handling and force protection.[587] As a result of this volume of work, Blackwater has expanded their training facilities nationwide, purchasing and refurbishing a firearms training center in Illinois while currently negotiating the construction of another 800 acre canyon facility in Southern California near the Mexican border.[588]

Internationally, Blackwater has completed numerous training contracts for the military and security forces of governments around the world. As with MPRI, some of this training is done on behalf of the US government, with Blackwater acting as an auxiliary foreign military assistance tool, replacing overstretched US Special Forces personnel normally tasked with these training missions. Operating in this capacity, Blackwater has trained foreign forces both at their US training facilities (such as the Greek and Colombian government forces trained in high-threat executive protection), as well as in the client's country (as in the case of a 2005 maritime commando enhancement program conducted in Azerbaijan). An increase in demand for security training from foreign military and security forces has led Blackwater to look into creating overseas training

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[586] These contracts last on average one to two weeks and generate roughly $35,000, interview with Chris Taylor, Vice President of Blackwater USA, 28/04/06.
[587] Ibid; see also: www.defenselink.mil/Contracts/Contract.aspx?ContractID=2350.
[588] See www.msnbc.msn.com/id/17308917/.

facilities, with one such project leading them into negotiations with the Subic Bay Metropolitan Authority for a training site in the Philippines.[589] Indeed, as the company has continued to evolve, it has looked toward focusing on the creation of a global network of security training facilities. In the words of its Senior Vice President, "[t]his company will continue to provide personnel protective services for high-threat environments when needed by the U.S. government, but its primary mission will be operating our training facilities around the world, including the flagship campus in North Carolina."[590]

The security firm Olive Group is displaying similar international expansionist tendencies. Founded in 2001 by a small group of retired British SAS soldiers operating out of a small London office, Olive has grown and diversified rapidly into a self-described 'global company in terms of our presence, perspective, and people.'[591] In a testament to this, the firm has moved its headquarters to Internet City, Dubai, and operates from 30 locations in five continents employing over 500 personnel with annual returns of $90 million, while maintaining offices in the United States, Britain, Kuwait, India, Singapore, Jordan, Afghanistan, and Iraq. Though the vast majority of its revenue comes from providing armed security details, Olive Group has invested heavily in expanding its business in the military and security training sector. Within the United Kingdom, Olive Group is actively marketing itself as a professional military training provider to the Ministry of Defence, and an expedient way to relieve the country's overstretched armed forces.[592] Within the United States, Olive has opened offices in Washington, DC, to lobby the Pentagon for lucrative defence training contracts for its

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[589] Ibid; See also Chris Taylor, Congressional Testimony, *Subcommittee: National Security, Emerging Threats, And International Relations*, 13 June 2006.

[590] 'Blackwater Drops Tarnished Name' *Globe and Mail* February 13 2009.

[591] See www.olivesecurity.com.

[592] Speech given by Lt. Gen. Sir Cedric Delves, Director of Olive Group. RUSI-BAPSC first annual conference 30/10/06. http://www.olivegroup.com/press_releases.htm.

new US based training center. Located in Nesbit, Mississippi, Olive Group is using their 780 acre Olive Security Training Center to build a 'mock combat village—a nine block city replica complete with residential areas, government buildings, schools, retail stores and roundabouts designed in Middle Eastern architecture' in an effort to win 'military operations in urban environment' contracts from the US Department of Defense.[593] More generally, Olive Group's North American subsidiary has won a number of contracts within the broader US security establishment by both assisting in the design of US government training facilities, as well as conducting training courses at established government training centers. Through these training contracts—which include the training of US military elite forces personnel as well as border guard units—Olive Group has exhibited the ability to successfully market itself as a professional provider of security training that is capable of delivering a security training product across the military/police spectrum.

Operating for over 25 years and currently listed on the London Stock Exchange, ArmorGroup International's evolution as a provider of security training offers an insight into the changing dynamics of the military training industry. Founded in 1981 by a retired British SAS officer, ArmorGroup International (originally Defense Systems Ltd) was a quintessential exemplification of the British model PSC described in section one; the firm provided high-end armed security services to various diplomatic corps and resource extraction firms operating in unstable regions of the world while simultaneously offering low profile military training to foreign governments. As the firm developed over the years, it moved away from its emphasis on military training and diversified its training services to include a wide array of hostile environment training programs aimed at corporate and other non-military markets. More recently, however,

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[593] Interview with Alan Brosnan, Director of Olive Security Training Center (formerly TEES) 16/05/06; see also Mark Minton, 'Battlescape Shoots for Profit: State Sees Security Pros Bring War Home,' *Arkansas Democratic-Gazette*, 19/02/06.

the company has returned to its roots as a provider of military training. Seeking to take advantage of the post-9/11 paramilitary homeland security market in the United States (and to a lesser extent in the United Kingdom), and the ballooning military training market in Iraq and Afghanistan, ArmorGroup International has opened a series of training centers in these four countries. As part of this business strategy, they opened the first commercial training center in Afghanistan, a two million dollar facility built to house and train 300 students with a close quarter battle house and weapons systems simulation. In Iraq, they created a training compound south of Baghdad equipped with NATO standard shooting ranges used to train Iraqi security personnel. Together, these Middle Eastern training facilities have trained thousands of local national security personnel.[594] At the same time, the firm's US branch, ArmorGroup International Training, has expanded its firearms training capabilities with a variety of specialized shooting ranges for pistols, shotguns, and carbines. These training centers, based in Texas and Virginia, have provided counterterrorism and force protection training to a wide spectrum Department of Defense and Department of State personnel.[595]

This trend of replacing or supplementing 'mobile training teams'—a featured component of all the PSCs mentioned thus far—with permanent or long term 'brick and mortar' training facilities has been a crucial component of the growth in private tactical military training. As a result, some smaller multinational PSCs, such as the Israeli firm International Security and Defence Systems (ISDS), have formed partnerships with civilian firearms training centers to compete for military training contracts that require such infrastructure without incurring the associated construction costs. For instance, in 2003, ISDS created such a partnership with the arms manufacturer Smith & Wesson to

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[594] See www.armorgroup.com/services/securityservices/locations/ Accessed 02/08/07.
[595] See www.armorgroupiti.com Accessed 01/11/07.

offer counterterrorism training to military and police personnel at its shooting academy in Springfield, Massachusetts.

With the kind of growth exemplified by the PSC Triple Canopy, which in its first year of operation in 2003 grew to over 800 employees and had revenues exceeding $100 million, the private security industry has gained the capital necessary to create multimillion-dollar military training facilities. This sheer magnitude of growth, combined with the evolution towards permanent, private military training centers, is enough to substantiate Triple Canopy's claim that it and firms like it are 'reshaping the entire security industry.'[596] However important these changes are, the most significant aspect of the private security industry's expansion into military training has been its role in constituting a new, hybrid security training market where PSCs such as Triple Canopy are increasingly providing training in military skill-sets outside of the state's armed forces. It is to this blurring of the boundaries of private military training that we turn next.

6.5 The Pluralisation and Hybridization of Private Security Training

A crucial aspect of the transformation of private military training has been the private security industry's central role in the dispersal of military training above, below, and outside of the institution of the state's armed forces. At the supra-state level, numerous organisations have looked to private security for a broad array of military and specialised security training. The North Atlantic Treaty Organisation (NATO), for example, has solicited international bids from PSCs to train the NATO International Security Assistance Force (ISAF) operating in Afghanistan in the identification and

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[596] See Triple Canopy website at http://www.triplecanopy.com/triplecanopy/en/news. Accessed 05/02/08.

avoidance of roadside improvised explosive devices.[597] Other supra-state organisations whose civilian personnel are increasingly posted in regions suffering from low-intensity conflict, and who are being targeted for kidnapping and other terrorist violence, have also turned to private security for new forms of robust security training. In July 2006, for example, the European Union sent twenty-six members of its diplomatic mission to Israel and the occupied territories on a course conducted by the PSC Hart Security designed to teach the diplomats skills in, among other things, defensive and off-road armoured car driving techniques.[598]

At the local or sub-state level, private security conducts a variety of specialised counterterrorism training programs for law enforcement agencies. The London Metropolitan Police Department has conducted a survey of the training services available from private security to help assist them in their role as a 'first responder' to terrorist incidents, and in the US it has become a common practice for PSCs to provide Homeland Security training to police forces. Within this new post-9/11 security context, private security companies are transferring military techniques in advanced marksmanship, close quarter combat, explosive door breaching, and other military skill sets to police forces across the US and around the world.

Moreover, many of these small paramilitary training contracts illustrate the increasing degree of local-global networks that pervade this industry, with local police clients receiving their training transnationally from foreign security firms. For instance, Task International, a PSC headquartered in London, has trained a number of special police units for Caribbean and Asian governments, while the firm Britam Defence provides anti-terrorism training to police personnel worldwide at a number of overseas facilities.

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[597] See NATO Notification of Intent to Issue Invitation for International Bidding - Provision of C-Improvised Explosive Device (C-IED) Training to International Security Assistance Force (ISAF) - Afghanistan at: www.fbo.gov/spg/DOC/BIS/DPD/IFIB-ISAF-C-IED/listing.html. Accessed 08/02/08.
[598] See www.hartsecurity.com/news.asp?rel=1083 Accessed 05/03/07.

At the same time, requirements for military training are increasingly being dispersed horizontally to a plethora of state-level non-military agencies. Absent an indigenous capacity to provide such training—and with overstretched militaries being unable to provide it—many of these agencies have turned to the private sector. This horizontal diversification of state agencies requiring military training can be seen most vividly within the United States government, where non-military state organs have acted as customers of PSC training for both internal US and foreign security forces. Domestically, the Department of Energy (DoE) has relied upon PSCs to train its own security force designated to protect the nation's nuclear facilities up 'to paramilitary standards.' This training has included, among other things, the operation of M60 machinegun mounted on armoured vehicles, sniper training, and M16 automatic rifle marksmanship.[599] Internationally, the US Drug Enforcement Agency (DEA) has relied upon PSCs to train foreign security personnel as part of its international drug interdiction effort. In one such contract, Blackwater USA was hired by the DEA to train units from Afghanistan's Ministry of the Interior, combining basic law enforcement skills—such as crime scene investigation—with military training due to the rough terrain and hostile security environment this paramilitary force was required to operate in.[600]

In another salient example of the complexity of this diversification of US Federal Government consumption of private military training, an analysis of the US State Department (DoS) reveals a number of its various sub-agencies contracting with PSCs for a broad array of training requirements. One sub-department, the DoS Bureau of International Narcotics and Law Enforcement Affairs, has solicited positions for retired US soldiers to conduct field training of foreign troops in support of US efforts at drug

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[599] The Department of Energy has also hired PSCs to provide 'mobile security detail training' at the Department of Energy's National Training Center.

[600] Chris Taylor Blackwater Vice President interview, 28/04/06.

eradication programs in South America. One online State Department solicitation advertising a year long $61,081 position in Lima, Peru stated the following:

> Train U.S. government employees and Peruvian Counterparts in the following subjects (but not limited to): paramedic, pathfinder, air mobile operations, helicopter external load operations, fast rope, rappelling, STABO, emergency extraction, water safety/survival, rescue swimmer, small boat handling, helicopter gunnery, and survival-evasion-resistance-escape (SERE)...set up and run range qualification courses for the M-4 carbine, 9mm pistol and 357 revolvers.[601]

Another DoS sub-department, the Bureau of Diplomatic Security, has also turned to the private sector for its training needs. Unable to draw on an overstretched military to either provide the guard manpower or to provide the DoS with security trainers—and absent a sufficient in-house capacity of its own—the massive, one billion dollar Worldwide Personal Protective Services contract was awarded to three PSCs to provide a cadre of diplomatic security personnel with 'counter assault team' and 'long range designated marksman' training.[602] This security force—administered and controlled by a Department of State auspice, yet staffed and trained (i.e. implemented) by a myriad of PSCs —exemplifies not only the expanded post-9/11 paramilitary security market being penetrated by PSCs but also the new public/private security hybrids that these partnerships create.

While these examples of the dispersal of paramilitary security training to various governmental agencies outside of the military illustrate the changing nature of the military training market, perhaps the most dramatic example of the fragmented nature of contemporary security training can be seen in the provision of paramilitary training

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[601] See the Fedbizopps government website:
www.fbo.gov/spg/State/INL/INL-RM-MS/PSC%2D06%2D019/SynopsisR.html.
[602] Greg Starr, Deputy Assistant Secretary, Bureau of Diplomatic Security, Department of State, Committee on House Government Reform; Subcommittee on National Security, Emerging Threats, and International Relations, 13 June 2006. See also See Rene Merle, 'Embassy Security Firms Chosen,' *Washington Post*, 17 June 2005.

conducted by PSCs *beyond the state* to a variety of private sector clientele. Between 1990 and 1993, for example, the British multinational agricultural conglomerate Lonrho hired the British security firm GSG to train its security forces to repel attacks conducted by Renamo rebels against its Mozambique tomato plantations. During the course of its contract, GSG trained hundreds of Lonhro security personnel in counterassault combat tactics with the use of government supplied tanks, AK-47 automatic rifles, and RPG-7 grenade launchers.[603] More recently, the United States Merchant Marine Academy has partnered with Blackwater USA to provide 'world class tactical maritime security training' in counter-piracy and counterterrorism to government, military, and *private sector* clients.[604]

6.6 *Chapter Conclusion*

At the beginning of the twenty-first century, global private security companies are fast becoming important actors in an expanding global security training market. At the same time, these private security companies are challenging and upsetting a number of our implicit understandings—and often tautological assumptions—regarding the modern state's monopolistic relationship to security training. First and foremost, the massive growth of this industry suggests that we may be witnessing a long-term pluralization of the providers of military training, with private security companies joining state armed forces as professional providers of security training. However, this phenomenon cannot be interpreted merely in terms of the state's outsourcing the training of its armed forces to the private sector. Instead, the privatization of security training needs to be understood as part of a complex shift in the nature of security training itself—a process

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[603] Alex Vines, 'Gurkhas and the Private Security Business in Africa' Jakkie Cilliers and Peggy Mason (eds.) *Peace, Proift, or Plunder: The Privatisation of Security in War-Torn African Societies* (South Africa:ISS) 1999 p.127.
[604] See: gmats.usmma.edu/info/gmats/partners.aspx and www.blackwaterusa.com/maritime/. Accessed 05/08/07.

that increasingly includes the provision of hybrid paramilitary training to a variety of public and private actors external to the state's armed forces.

This new *security training* market—itself the combined product of material changes associated with globalisation as well as new ideas and understandings of the private sector's role and responsibility in shaping global security—is perfectly suited to both the rhetoric as well as the global strategic vision of this global private security industry. Partly as a result of this, Triple Canopy's claim to be 'a security solutions company [that] delivers comprehensive training programs customized to meet the demanding requirements of law enforcement, military, government and corporate clients worldwide'[605] has become standard within the private security industry. Crucially, however, this language of 'security training' should not be interpreted merely as a cynical (or logical) attempt by the security industry to expand the scope of its market, but rather as part of a new security discourse that is shared with governments themselves. The Pentagon's transformation of the National Defense University—its premier educational institution—into the National Security University as a result of it 'acknowledging the complexity of the 21st century security environment,' and recognizing the need to 'support the educational needs *of the broader US national security profession*' is a case in point.[606]

Ultimately, the cumulative effects of these changes in government and private security industry rhetoric, as well as the changing realities on the ground, suggest that we can no longer regard either the provision or consumption of 'military training' as a functional field of expertise monopolized by the state's armed forces. Furthermore, as private security companies continue to evolve into established, multinational firms that operate training facilities in multiple countries around the world, they will also further unsettle

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[605] http://www.triplecanopy.com Accessed 02/06/07.
[606] Emphasis added. See the *2006 Quadrennial Defense Review*, p.79 www.defenselink.mil/qdr .

our traditional understanding of the relationship between the state, territory, and

coercion.

7   Conclusion

'But what is the business of rule? The state is a set of institutional arrangements for doing what?' [607]

—Gianfranco Poggi

7.1 *The Business of Rule: A Reprisal from Private Security*

This dissertation, at its core, is grounded upon a rejection of the above Realist proposition that posits the 'business of rule' can and must be understood as *limited to what the state does*. In a somewhat ironic fashion, the security governance model presented in this dissertation is also grounded upon a more literal reading of the above quote than Gianfranco Poggi had intended, insofar that it takes Poggi's terminology of the state's 'business of rule' and applies it to a political analysis of the 'business' of private security.

Indeed, a central theoretical task of this dissertation has been to explicate how the Weberian Realist vocabulary of the state's monopolistic relationship to authority, territory and coercion—and hence the political itself—has limited attempts within International Relations to properly theorise the political significance of private security. As a result, this dissertation has not only developed and applied a security governance theoretical framework to an analysis of private security in global politics. On another level, it has also engaged in a meta-theoretical critique of Realist theory's state-centric interpretation of authority, territory and coercion—as well as the Realist binary zero-sum understanding of power—underpinning Realism's theoretical inability to interpret the legitimate coercion engaged in by private security as a political act of security governance.

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[607] Gianfranco Poggi, *The Development of the Modern State: A Sociological Introduction* (Palo Alto: Stanford University Press) 1978 p.1.

7.2 *Thesis Summary*

Overall, this thesis set out to provide an empirical examination of the role of private security in global politics and to address the theoretical implications that the growth of private security had for International Relations theory more generally. Specifically, this thesis set out to answer the following research question: 'How can we theorise the political significance of the global expansion of private security, and how does private security affect the state's relationship to violence, in both theory and practice? The answer to this multi-faceted question lay in the application of a security governance theoretical framework capable of simultaneously *deconstructing* the state's conceptual monopoly on security governance, and *reconstructing* its component parts—authority, territory and coercion—in such a way that allowed the political significance of private security to be properly articulated.

In part one of the first chapter, the significance of deconstructing the state's conceptual monopoly of security governance was contextualised against a deeply ingrained—and as yet unresolved—claim within the IR private security literature that private security 'challenged' or otherwise problematized the discipline's Weberian definition of the state as monopolizing legitimate violence. Part one of the first chapter also posited that the challenge private security presented to Realism was grounded in the way it exposed a fundamental paradox within Realist theory: by arguing that a theory of politics was an explanation of way legitimate violence was organized, and then *assuming* that the state held a monopoly on legitimate violence, Realism's conceptual vocabulary was literally unable to theorise private security in political terms. Thus, part one of the first chapter also set the stage for this dissertation's security governance framework to be read as a

direct engagement with—and critique of—Realist theory's inability to address the political content of private security.

Part two of chapter one provided a succinct definition of security governance as comprised of three parts: first, *meta-political authority* located exclusively within public law and/or the authority of public institutions; second, the existence of an *auspice* legally entitled to hire a security implementer and make a set of rules that promote a particular definition of order; and third, an *implementer* that uses coercion or the threat of coercion to enforce this order within a particular territorial space. It then proceeded with a deconstruction of the state's authority-coercion-territory monopoly, both with reference to how Realist theory interprets these concepts, as well as how the security governance framework used in this thesis *re-interprets* these concepts.

Next, part two of chapter one provided a pair of brief two-part sections on the history and terminology of private security. The section on history helped situate this thesis within a larger debate that pits the stasis and ahistoricism of the Realist idea of the state's monopoly of legitimate violence against the emphasis on the changing nature of organized political coercion found in security governance approaches to private security. The second history section discussed other important theoretical differences between Realist historiography and histories of private security from a security governance perspective. Specifically, it contrasted Realism's rationalist account of the elimination of mercenaries from nineteenth century European warfare and Realism's teleological account of the state's monopoly of legitimate violence with a security governance approach that emphasised the ideationally contingent nature of both of these developments. This historical section concluded with a short explanation of where this thesis was situated within these various historical debates related to private security and the state's monopoly of legitimate violence.

The first half of the two-part discussion of the terminology of private security provided an overview of the various linguistic and terminological debates within the academic and popular literature on private security. It also explained how the language of 'private police services' and 'private military companies' were linguistically implicated in the reproduction of a state-centric understanding of security governance. The second section on terminology discussed the underlying reasons for choosing to use the terms *private security* and *private security company*. Here, it was demonstrated that these terms did not reference the state's twin coercive institutions—the police and military—and therefore moved away from the language of the state's monopoly of legitimate violence. The term 'private security' was also shown to be better suited to imagining new global/local and networked territorial configurations of security governance as well as new social understandings and practices of security that transcend and/or are not easily captured by the terms 'military' and 'police'.

Part three of chapter one provides a critical review of both first-cut and second-cut interpretations of private security within IR. The discussion of the first-cut private security literature corroborates—with the use of examples from within this literature—the claim made in Part One that the Weberian Realist conceptual vocabulary of the state's monopoly of legitimate violence had handicapped these early studies of private security. The discussion of the second-cut private security literature is used to highlight the way these studies of private security continued to reference their analysis of private security in terms of a binary and zero-sum relationship to the state. It also allowed the reader to situate this thesis as a response to a theoretical gap identified within contemporary studies of private security within IR.

Chapter two provided a brief and direct critique of Realist thought in IR and Sociology in order to demonstrate the way the first-cut private security literature's insufficient

attention to private security's relationship to the state was predicated upon a larger silence on these questions within Realist IR and Realist sociological theory as a whole. Part one of chapter two focused on the writings of Kenneth Waltz, Hedley Bull and Hans Morgenthau—in a discussion of neo-Realist, English School, and Classical Realist thought respectively—to corroborate the claim that the conceptual problems related to the analysis of private security located in first-cut studies of private security can be traced back through Realist IR theory's treatment of 'private violence'.

Part two of the second chapter moved to the field of Realist sociology and directly engaged with the writings of Max Weber and his definition of the state and modern state. Weber's theoretical treatment of 'continuous operation', 'administrative staff', 'compulsory jurisdiction' and legitimacy were discussed with reference to the alternative way that the security governance framework used in this thesis approached these concepts. This discussion also provided a qualified defence of Weber's concept of 'last resort control' and critiqued attempts made by theorists to dismiss Weber's concept of the state's monopoly of legitimate violence in purely empirical terms by pointing to the growth of private security without directly confronting the core idea of 'last resort control' embedded within Weber's understanding of the state's monopoly of legitimate violence.

Chapter three moves beyond a critique of Realist thought to provide a positive application of a security governance model to the study of private security. The first of a two-chapter study of the operation of private security in Iraq between 2003 and 2007, chapter three introduces the concept of 'security network' as a descriptive and analytical tool for discussing the pluralization of auspices and implementers of security governance that crisscrossed Iraq during this period. Chapter three also introduces the terms 'hybrid public-private security network' and 'hybrid private-private security

network' and uses a series of empirical examples to demonstrate the way security governance is conducted through these auspice-implementer partnerships. Next, chapter three demonstrated what a security governance deconstruction of the state's monopoly of authority, territory and coercion looks like when applied to Iraq. It provided a discussion of the fragmented and networked way in which security governance was territorially organized in Iraq as well as a discussion of the fragmented, overlapping, and de-centered operation of political authority over security governance within Iraq during this period as well. Chapter three also provided a discussion of the de-centralization and dispersal of security governance within the institution of the state itself, and illustrated how private security embedded itself into the state's bureaucratic apparatus—at multiple sites or nodes—via hybrid security partnerships with the state.

Chapter three also directly addresses the issue of the power relationship between private security and the state. It fulfills this dissertation's goal of moving beyond merely understanding this relationship in binary and zero-sum terms through a discussion of 'rule at a distance' and the dual application of a new sociology of governance power analysis and a neo-Foucauldian power analysis. Here, different types of observations regarding state techniques of rule at a distance—from both the new sociology of governance and neo-Foucauldian literature—are applied to two detailed case studies of large-scale hybrid public-private security networks.

Chapter four shifts the dissertation's analytical focus to the operation of private security in Iraq at the capillary level. One the one hand, it introduces the concept of the micro-level security network to provide a focus on—and to empirically document—the way that security governance within the state itself has been flattened and dispersed to a multiplicity of sub-state agencies that act as auspices for private security companies. By demonstrating the way public agencies within and above the state 'activate' resources

external to the state—e.g. NGOs and PSCs—to implement public policy programs, chapter four also provides a rich and detailed account of rule at a distance through the analytical lens of the new sociology of governance. On the other hand, chapter four also introduces the concept of security governance operating 'beyond state rule at a distance.' Here, chapter four provides a case study of an NGO hiring private security for armed protection without being embedded into a hybrid security network with a public auspice, and explains how this constitutes an instance of security governance beyond state rule at a distance.

Chapter five provides a study of private security within the maritime environment. It returns to the concept of meta-political authority developed in chapter one and offers an empirical account of how the dispersal of meta-political authority away from the state can have significant political affects for the operation of private security and its relationship to the state in global politics. Specifically, chapter five focuses on two case studies of maritime private security companies turning to international law as an alternative non-state source of meta-political authority to undergird the legality of their security governance programs.

The first case study examines a fisheries protection security governance program run by a hybrid public-private security network under the auspices of Puntland State of Somalia and a private security company. The power dynamics between the public and private nodes of this networked security actor are emphasized as well as the entrepreneurial strategy used by the private security company to build a matrix of international law to legitimate this security governance program.

The second case study in chapter five provides an example of a hybrid private-private security network. On the one hand, the concept of security network is used to describe and the interactions between this hybrid security actors and its interactions with the

littoral states of the Malacca Straits. On the other hand, and more radically, this case study demonstrates how an entrepreneurial use of international law was used to empower private security to engage in a security governance program within the territorial waters of the littoral states that contradicted the political wishes of these states' governments.

Chapter six moved away from this dissertation's focus on empirical case studies of hybrid security networks in order to provide a holistic overview of the broader global market in private security training. This chapter traced the post-WWII origins of this global training industry in the United States and the United Kingdom through to its current consolidation and transformation into a globalised private security training industry. Chapter six also discussed this industry's transformation through the lens of a security governance perspective along a number of different trajectories. First, it provided an empirical analysis of the pluralization of the consumers of security training to institutions *above* the state (e.g. the UN, EU and Nato), *outside* the state (e.g. to commercial entities), and *within* the state (e.g. to new sub-agency state auspices) besides the state's armed police and military forces. Second, it provided a discussion of a series of global private security companies and the transnational characteristics of these firms and their security training. Third, chapter six briefly discussed how private security was involved in a process of socially reconstructing the way we think and speak about security training as a field that is constituted by public and private actors instead of a field monopolized by the state.

7.3 On Methodology: the Difficulty and Necessity of Interview-Lead Research in Private Security Studies

Before providing an overview of the empirical and theoretical contribution made to IR and the field of private security research within this dissertation, a discussion of some of the methodological issues regarding the nature of private security field work and the role played by interviews within this dissertation is in order. Overall, conducting original empirical research on the private security industry can be an extremely daunting task, and necessarily involves the researcher dealing with issues more typically associated with the work of an investigative journalist or (potentially) even that of a war correspondent.

On one level, the prospect of conducting field work within this subject—especially when the research is focused on the provision of armed private security services in warzones and other politically unstable areas—carries with it a clear, immediate and potentially extreme safety risk. Under these circumstances, the utility of conducting field visits to Iraq between 2003 and 2007—something which presented itself as a possibility on a number of occasions during the course of this project[608]—needed to be measured against the obvious risks to personal safety. While a visit to Baghdad or Puntland would have provided a significant increase in the degree of access to the various public auspices of hybrid public-private security networks—such as CPA officials, Coalition military and Puntland government personnel—safety concerns (as well as related financial costs[609]) took precedent over the advantages of visits to the

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[608] During interviews with the heads of various private security companies in London and Washington DC I was invited to 'embed' within their operation in Iraq—staying at a secured PSC headquarters in Baghdad—to witness their security governance programs first hand.

[609] One irony of conducting field work on private security in Iraq between 2003 and 2007 is the fact that the researcher would find him or herself reliant upon these very security firms for their personal safety while conducting the research. Moreover, since these firms are in the business of providing security for profit, the researcher is placed in a position of either paying a private security firm for the protection they provide while the field research is conducted, or not paying and thereby allowing the PSC to essentially

field.[610] Ultimately, rather than travelling to the locations involved in the case studies within this dissertation, the substantial number of interviews that were conducted during this research project took place either using telephone and email correspondence[611] or in-person interviews conducted primarily in London and Washington DC.

The large number of interviews used in this dissertation brings up a series of related methodological issues. In general—and again in parallel with investigative journalism—any effort to make an original empirical contribution to the study of private security by moving beyond recycled examples of private security contracts[612] necessarily required an often painstaking process of developing personal contacts. These contacts—with private security implementers and/or their commercial, non-profit, or government auspices—would then need to be convinced to allow the researcher to conduct in-depth multiple-hour interview sessions. In many instances, while the author was able to meet with an executive of a private security company to

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subsidize the cost of one's field work. Both of these choices come with ethical considerations the researcher must be aware of.

[610] On this point, to the extent that the PSC personnel providing the researcher with security are in turn putting themselves in harm's way—e.g. driving the researcher back and forth between Baghdad International Airport and the PSC headquarter offices—the researcher conducting field work in Iraq (or in other dangerous places where armed security may be required) must not only be willing to risk their own safety, but also the safety of the security contractors that would necessarily be assigned by their private security company to protect them during the course of their research. This point was made to the author by Doug Brooks, the President of the International Peace Operations Association, during preliminary discussions about conducting field work in Iraq. Similar security concerns limited the possibility of field visits to Puntland State of Somalia, and to a lesser extent field visits to the Malacca Straits. However, in this latter instance, ship access during an anti-piracy escort proved the greater problem.

[611] Where possible, interviews were conducted in person. However, due to the practical field constraints discussed above, as well as the highly itinerant nature of the private security workforce, this dissertation relied heavily on telephone and email correspondence as a way to interview people often located half-way around the world. During the course of this dissertation, email and telephone correspondence were used to interview people in Singapore, Baghdad, New Zealand, Nigeria, Cyprus, Washington DC, London, the Philippines, Australia, Israel, and Pakistan in order to reach security contractors or other interviewees as they moved around the world from one contract or posting to another.

[612] For instance, both Peter Singer and Deborah Avant used the examples of MPRI's work in Croatia and the US military's Reserve Officer Training Corps in their work. See Peter Singer, *Corporate Warriors* p.123-130 and Deborah Avant, *Market for Force* p.101-13 and p. 116-20. Moreover, this focus on MPRI and its work in Croatia had already been the subject of attention within the literature on private security for as long as seven years prior to Avant's study. For example, see: David Shearer 'Private Armies and Military Intervention' International Institute for Strategic Studies *Adelphi Paper* 316 (Oxford: Oxford University Press) 1998 p.56-62.

discuss the private security industry or their security work on a general level, any

attempt to make detailed case-study-relevant inquiries relating to a particular security

contract would be rebuffed.[613]

This is explained by a number of factors. First, there is a general problem of gaining

access to an industry with a strong tradition of secrecy partially grounded by the fact

that many of its members are comprised of retired military intelligence or special

operations forces personnel that are professionally conscious of politically sensitive

nature of their work.[614] Second, gaining access to interviews is also difficult insofar

that many within the private security industry have developed a suspicion of a media

that they perceive as only interested in writing sensationalist (and commercially

damaging) stories. The fact that the executives of many private security companies do

not trust the difference between an academic interview and a media interview proved

to be a significant research hurdle. Finally, the fact that academic interviews were

often perceived by PSC executives in terms of a commercial liability—or a simple

waste of valuable time without any positive incentive for the PSC to participate—was

another considerable obstacle.[615]

Moreover, the problem of access is not merely a problem confined to private security

company personnel. Many NGOs, commercial firms and government agencies are

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[613] For instance, even though the author interviewed Tim Spicer, the CEO of Aegis—a process that involved multiple last minute cancellations by Mr. Spicer for interview appointments—the substantive content of this interview did not include any unique information otherwise unavailable to the public. As a result, the utility of this interview for the case study on the Aegis-operated Reconstruction Operations Center was quite limited.

[614] Ed Soyster relayed the fact that the decision by MPRI to grant interview requests to the media was considered by members of the company—some of whom had been working in this private security field for well over a decade without ever considering talking to the media—as a novel and potentially risky public relations decision. Ret. Lt. Gen. Soyster is himself a retired head of the United States Defense Intelligence Agency. Interview with Ed Soyster, Vice President, Military Professional Resources Incorporated. Washington DC 18/07/00.

[615] This problem is compounded when attempting to discuss on-going security contracts. For instance, the author was able to telephone Erinys management stationed in Iraq during the OPF contract only to have them express surprise that the author was able to get access to that telephone number and politely explain that they would not discuss the contract. Erinys eventually granted me interview access after the contract was completed.

unwilling to discuss their relationship to private security due to these organization's sensitivities to public perceptions of dealings with 'mercenary' private security companies. For instance, efforts made by others to get access to the amount of money spent on private security by the United Kingdom's FCO in Iraq between 2003 and 2006 were ultimately only successful with the use of a Freedom of Information Act request.[616] Occasionally, security issues would also limit an individual's willingness to grant interview access. In one example, the author made successful email contact with the head of the Iraqi NGO IMCO in an effort to widen the base of sources used within the IMCO case study, only to have the prospective interview cease contact with the author when it became apparent that the queries centred on the content of IMCO security procedures.[617]

Ultimately, because of these research difficulties intrinsic to any effort in making an original empirical contribution to the study of private security, once a well-placed interviewee granted the author in-depth interview access, this became a crucial source of data for that particular case study. Occasionally, gaining access to one individual created the possibility for multiple interviewees. The IMMAP and IMCO case studies, for instance, were able to draw upon multiple interview sources from various nodes within these hybrid security networks. Interviews from the government auspice (e.g. Dennis Hadrick from the WRA); the NGO implementing partner (e.g. Joe Donahue from IMMAP); and the private security implementer (e.g. Dan Bowen from the PSC Ronco) all mutually reinforced one another and provided a richer discussion of the security governance that took place within these case studies. In other instances— including the IWPR and Puntland case studies—sole interviews with a well-placed individual (e.g. the IWPR Iraq Program Director) or multiple interviews from a single

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[616] David Isenberg, *Shadow Force* p. 32.
[617] Since IMCO personnel had received death threats from anti-Coalition forces, the reasons for the hesitancy of this individual to discuss IMCO security procedures were self-evident.

node within a security network (i.e. Hart Security personnel involved in the Puntland contract) provided much of empirical information from the case study.

Consistent efforts at triangulation were made in order to verify and cross-reference the claims made during these interviews with the use of third party interviewees familiar with a particular case study (e.g. the Director of the IMB for the Puntland case) as well as through the use of relevant newspaper and magazine articles or government reports.[618] These were referenced throughout the various case studies. At the same time, in an effort to gain a more candid interview, efforts were made to reach security contractors that had worked on a particular security contract but that had since left the private security company under discussion within a particular case study.[619] Problems associated with the inability to widen the net of interviews—such as the effect of the inability to reach Puntland officials to relate their interpretation of their interactions with the PSC Hart—were also mitigated by orienting the analytical focus of a case study towards a particular issue unlikely to be affected by interviewee bias.[620]

This thesis also made use of a small number of confidential interviews. However, it is not unique in doing so, and numerous studies of private security have relied upon confidential interviews in order to include important information that would have not otherwise been available.[621] Overall, while there are potential pitfalls with interview-lead case-study research that the scholar must be aware of, it is a necessary element of an effort to make an original empirical contribution to the study of private security.

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[618] The author's extensive network of personal contacts also allowed the possibility to cross-reference the identity of the actual interviewees, and confirm their participation in the particular security governance programs being discussed.

[619] For example, both Robert Parr of Hart Security and Stephen Weatherford of GDMA had been interviewed after having left their positions at the private security companies involved in these case studies.

[620] For example, without making any claim regarding the technical legal validity of the PSC Hart's attempts to use international law as a source of meta-political authority for this Puntland security program—a subject where a clear potential for interviewee bias exists—this case study merely emphasized the fact that the PSC engaged in this entrepreneurial use of international law in the first place, and then explained the theoretical significance of this fact from a security governance perspective.

[621] For example, see Deborah Avant, confidential correspondence cited in footnote 136, p.208.

7.4 *Empirical and Theoretical Contributions*

Both the theoretical and the empirical contribution of this thesis have been touched upon in the first three sections of this conclusion. What follows is a concise summary of the primary empirical and theoretical contributions of this study for IR in general, and security governance studies and private security studies more specifically. By intentionally eschewing case study material that had been the focus of other studies of private security, this thesis has made a significant empirical contribution to the private security literature. Chapter five provided two original case studies involving private security implementing security governance programs within the maritime environment. While the role of private security in providing anti-piracy escorts has grown considerably in the last twelve months, empirical research within the subfield of maritime private security studies is still limited. The case study work on the Puntland-Hart EEZ fisheries program and the GDMA and BARS anti-piracy work in the Malacca Straits therefore helps to add empirical depth to this under-researched area.

Chapter four provided three original case studies of hybrid security networks involving the use of NGOs, governmental donors and private security. While there is a great deal of interest—and debate within the NGO community—regarding the use of armed security by NGOs and other humanitarian actors, the amount of detailed information on this subject still remains very limited. The case studies in chapter four not only provide insights into the use of armed private security by NGOs in Iraq; they also provide empirical insight into the way the auspices of the UNDP, the United State's DoS and the United Kingdom's DfID are connected (or relatively unconnected) to this process.

Chapter three provides a rich empirical account of the various types of auspices—both public and private—that hired private security companies in Iraq between 2003 and 2007. In combination with the two large case studies on the OPF and ROC presented in this chapter, a significant empirical contribution was made to the empirical map of the operation of private security in Iraq during this period. Chapter six also made a number of salient empirical contributions to the study of private security. First and foremost, it provided an account of the pluralisation of public and private customers of security training, and also made an original contribution to our understanding of the origins, growth and transformation of the domestic US market in tactical security training.

The theoretical contribution of this thesis is rooted in its dual critical engagement with Realist thought and in its positive application of a security governance theoretical framework to the study of private security. This thesis demonstrated that in order to theorise the political significance of private security in global politics, it was first necessary to identify and then deconstruct the state-centric way IR theory—and Realist IR and Weberian sociological theory specifically—had defined the political exclusively in terms of *what the state does*. This theoretical deconstruction of the state's monopoly of security governance—predicated upon a dissection of a Realist understanding of authority, territory, coercion and power—then laid the groundwork for a re-articulation of the way each of these concepts would be understood with reference to the political content of private security within a security governance framework.

In chapter one and chapter two, this process involved a unique, direct engagement with—and critique of—the Weberian understanding of each of these terms and an explanation of how and why the operation of private security is rendered apolitical

within a Weberian theoretical vocabulary. Special emphasis was placed on the binary and zero-sum understanding of power within Realist thought. It was demonstrated that a binary and zero-sum power model a) unhelpfully emptied private security of its political content; b) created a false choice whereby the state always 'lost' or 'gained' power when interacting with private security; and c) was blind to other changes in the modality of security governance.

In order to correct these problems, this thesis deployed two alternative approaches to power analysis in chapter three: a new sociology of governance power model that focuses on the contradictory power effects of security networks, and a neo-Foucauldian power model that focuses on actor identities and techniques of governance left invisible in binary and zero-sum studies of power. Chapter four introduced the concept of micro-level security networks and the political significance of security governance at the capillary level, and also introduced the concept of security governance 'beyond rule at a distance.' Chapter five illustrated the significance of a) maintaining a legal-formal understanding of meta-political authority while b) conceptually de-linking meta-political authority from the Realist idea of the state monopolising it. Finally, chapter six demonstrated the way new understandings of security—such as the process of subsidiarity and neo-liberal techniques of responsibilising actors for their own security—were fundamentally altering the way security training was organized, imagined, and implemented across the public-private and police-military spectrum.

7.5 *Further Developments*

The study of private security is the study of a moving target, both literally and figuratively. While this latter point is true of many subjects in the social sciences, few

have changed as quickly and as dramatically as private security during the last few years. At the same time, the theoretical sophistication of the investigation of private security within IR has also grown dramatically in recent years. Importantly, much of this sophistication is the result of cross-disciplinary studies involving insights taken from the fields of economics, criminology, sociology, and civil-military relations theory. This is clearly not a new development; indeed, the micro-economic foundations of neo-Realist theory are commonly understood within IR. However, the role of cross-disciplinary investigations in pushing the study of private security forward within IR does indicate the importance of a multi-disciplinary approach.

With respect to future studies of private security, this thesis touches on two different and equally important avenues for future research. First, while not explicitly addressed within this thesis, the security governance framework developed here—and its unbundling of the state's monopoly of authority, territory, and coercion—have clear and immediate ramifications for studies of globalization. This intersection between private security, security governance, and globalization theory more broadly will be an important element of the study of private security in the coming years. Second, the continued application of a neo-Foucauldian approach—and other broadly constructivist or ideational approaches—to the study of private security will be a second important avenue of research on private security over the next few years. The security governance framework developed within this thesis is well situated to make a significant contribution along both of these theoretical avenues.

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