

# THE ROLE OF COMMERCIALY PROVIDED SECURITY IN AFRICA'S PATRIMONIAL SECURITY COMPLEX

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## Introduction

Applying Western liberal models of civil-security sector relations to the highly complex and factionalized security sector on the African continent is difficult. Unlike the security sector in Western liberal states whose control is widely monopolized by the institutions of the state and society<sup>3</sup>, the security sector in Africa has never been structured around the concept of security as a public good provided by the state on behalf of or for the protection of a societal public sphere as a whole. On a continent where ethnic, tribal or religious groups have been assigned to artificial territorial entities by colonial powers, the Western notion of an integral nation state built around a public consciousness of togetherness has been widely alien to most of the African states and societies<sup>4</sup>. Consequently, post-colonial states and its civilian leaderships have rarely created a security sector, which is inclusive, representative of domestic social, ethnic, religious or tribal fault lines and undisputed in regulating violence. Instead, African security sectors, whether public or private, have been built

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<sup>3</sup> Elke Krahnmann, *States, Citizens and the Privatization of Security* (Cambridge: Cambridge University Press, 2010), 11.

<sup>4</sup> See Christopher Clapham, "African Security Systems: Privatization and the Scope for Mercenary Activity," in *The Privatization of Security in Africa*, eds. Greg Mills and John Stremlau, 23-46 (Johannesburg: South African Institute of International Affairs, 1999), 25.

around patrimonial networks that by controlling the provision of security ensured that security is provided as an exclusive private good benefitting those elites embedded in such networks.

With the concept of public security generally absent in Africa and a factionalized security sector of both state and non-state actors delivering security exclusively to certain groups affiliated with patrimonial elites, this paper examines the role of commercial providers of security within African security sectors. In factionalized security sectors with limited territorial reach, the state unable or unwilling to provide security as a public good within its boundaries has long lost its monopoly to control violence. It is against this backdrop that this paper asks the question to what extent commercial providers of security in Africa add another dimension to an already complex non-public security sector dominated by de-publicized statutory and non-statutory security providers. Thereby, this paper focuses on the degree to which commercial providers of security are embedded into patrimonial networks catering for exclusive private security interests of certain elites. Focusing on the issue of the private or public nature of commercially provided security in Africa through the prism of normative theory, this paper neither intends to make a moral value judgment about the legitimacy of commercially provided security in Africa nor intends to relativize the private patrimonial nature of commercially provided security as a phenomenon inherent in African civil-security sector relations. This paper rather tries to lay an exploratory foundation for the understanding of the interests driving commercial providers of security in Africa.

This paper starts by establishing the theoretical framework that will be used to define the public and private nature of security. We will then outline the particular civil-security sector relations in Africa that shape the private and public nature of African security. Based on the Angolan commercial market for security, we will subsequently analyze to what extent commercial providers of security are embedded into already existing patrimonial power networks in African states.

### Conceptualizing the Nature of Security

The concept of security as either a public or private good can be approached from various angles. In reference to the alleged commoditization of security, in particular the private and public nature of security has been defined on basis of economic public good theory<sup>5</sup>. Public good theory assesses the nature of a good based on excludability and rivalry in order to determine whether it ought to be provided by a private or a public provider<sup>6</sup>. To that end, public good theory can make a contribution to understanding the commoditization of security, however, it fails to grasp the inherent socio-political connotation of the terms public and private. Therefore, when setting out to conceptualize the nature of security one ought to take a more liberal theoretical approach to security, instead of establishing the assessment of the private or public nature of security on the question of who provides it but more importantly who benefits from it. The relevance of the question about the private and public nature of security arises from a widely normative debate in political science and international relations literature<sup>7</sup>. The literature tries to assess the legitimacy of publicly and privately provided security in an era of increased non-state actor involvement in local, national and global security sectors. Hence, as the legitimacy of security is often linked to the state's normative prerogative to monopolize the control as well as authority over and sometimes even ownership of security, the debate about the public and private nature of security lies at the heart of the normative effort to delineate the legitimacy of security. In this respect, the conceptualization of the nature of security ought to be founded on a reference to

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<sup>5</sup> Elke Krahmman, "Security: Collective Good or Commodity?" *European Journal of International Relations* No. 14 (2008): 379-404.

<sup>6</sup> Inge Kaul, Isabelle Grunberg and Marc A. Stern, "Defining Global Public Goods," in *Global Public Goods: International Cooperation in the 21st Century*, eds. Inge Kaul, Isabelle Grunberg and Marc A. Stern, 2-19 (New York: Oxford University Press, 1999), 3.

<sup>7</sup> See Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, 1st ed. (Cambridge: Stanford University Press, 1999); Krahmman, "Security: Collective Good or Commodity?"; Elke Krahmman, "Private Security Companies and the State Monopoly on Violence: A Case of Norm Change?" *PRIF Reports* No. 88 (2009); Anna Leander, "Conditional Legitimacy Reinterpreted Monopolies: Globalisation and the Evolving State Monopoly on Legitimate Violence" (Paper, ISA, 2002); Herbert Wulf, "The Bumpy Road to Re-Establishing a Monopoly of Violence" (Paper, LSE, 2005); Alyson Bailes, Ulrich Schneekener and Herbert Wulf, "Revisiting the State Monopoly on the Legitimate Use of Force," *DCAF Policy Papers* No. 24 (2007): 19-26; van Creveld, *The Transformation of War* (New York: Simon & Schuster, 1991).

liberal theory, such as the liberal Social Contract and the thereof arising Huntingtonian theorization of civil-security sector relations.

Conceptually the terms public and private can be traced back to the Ancient Greek dichotomy between the *oikos*, meaning 'house' or 'household', and the *polis*, namely the polity<sup>8</sup>. Etymologically, the terms public and private are derivatives of the Latin *poplicus*, meaning 'of the people', and *privatus*, meaning 'withdrawn from public life'<sup>9</sup>. The public sphere then describes a communal sphere concerned with the public interests of all individuals within an association. In contrast, the private sphere is concerned with the particularistic interests of individuals and households withdrawn from the interests of the community at large. Therefore, the prerequisite for a public and private sphere to emerge is the existence of a community. Through the establishment of a central regulatory authority, this community protects its public interests and the private interests of individuals who are members of this community.

Liberal Social Contract theory provides the theoretical framework to conceptualize the relationship between the individual, the society and the state. According to Hobbes, mankind is born into a state of nature in which the individual is left exposed to the perils of anarchy in absence of a central regulatory authority<sup>10</sup>. It is the individual's desire to enhance its private security, defined by Locke as the individual's desire for protection of its family's and clan's life, liberty and estate<sup>11</sup>, that leads the individual to associate with other individuals to form a larger association for the mutual protection of the interests of all those constituting the association. The individual's desire for private particularistic security lays the foundation for the formation of a state through a social contract with the purpose to ensure the mutual security of all members of a society<sup>12</sup>. Thus, while the individual in the anarchic state of nature is concerned with providing private security for itself, its family or clan, the state ought to provide public security inclusively for all members of the

<sup>8</sup> J. Roy, "'Polis' and 'Oikos' in Classical Athens," *Greece & Rome* Vol. 46, No. 1 (April 1999): 1.

<sup>9</sup> See Oxford Dictionary.

<sup>10</sup> Thomas Hobbes, *Leviathan* (Sioux Falls: Nuvison Publications, 2004), 74.

<sup>11</sup> John Locke, *The Two Treatises of Government*. Essay Two (Indianapolis: Hackett Publishing Company, 1980), Ch. IX, § 123.

<sup>12</sup> Hobbes, *Leviathan*, 99.

society it serves. With the state's monopolization of the legitimate authority over violence, the state withdraws the individual's private right to resort to violence in the state of nature in exchange for the promise to protect the individual in a public state of security. Thus, the state's monopolization of the legitimate authority over violence provides the foundation for the publicisation of security<sup>13</sup>. Thereby, the legitimacy of a state and its monopoly on the legitimate authority over violence depends on its ability to provide public security inclusively for all members of society from both internal and external threats<sup>14</sup>. Good governance in this respect is characterized by the degree of public inclusiveness with which the state is able or willing to protect the interests of the public. Whereas arguably no state has ever achieved full inclusiveness in the provision of public security, Western liberal states have come close to providing security inclusively for every individual, group or minority within their societies<sup>15</sup>.

In order for the state to be able to provide public security it relies on the domestic security sector. Traditionally the state's domestic security sector ought to be regulated by the state to ensure that all state-owned and non-statutory forces providing security do so inclusively without violating the public security of all individuals within its boundaries. According to Huntington, particularly the public security sector, namely the military, law enforcement and intelligence services, is conceived as a public servant of state and society and ought to be controlled by the public<sup>16</sup>. To that end, Huntington ascribes the statutory forces a professional *raison d'être*, which revolves around the realization that it has to use its skills according to a set of professional values to protect public security interests above private individual, group or partisan politics<sup>17</sup>. In fact, the public security sector ought to be politically disconnected from the civilian leadership allowing for the public security sector

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<sup>13</sup> Clapham, "African Security Systems," 23.

<sup>14</sup> Herbert Howe, *Ambiguous Order: Military Forces in African States* (New York: Lynne Rienner, 2004), 9.

<sup>15</sup> Clapham, "African Security Systems," 25.

<sup>16</sup> Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (London: Harvard University Press, 2003).

<sup>17</sup> Mathurin C. Hounnikpo, *Guarding the Guardians: Civil-Military Relations and Democratic Governance in Africa* (London: Ashgate, 2010), 76.

to not only serve a particular government but to serve the public at large. The required clear division between the civilian sphere and the public security sector ought to ensure that the latter remains a servant of society and state fully accountable to societal public scrutiny<sup>18</sup>. Therefore, the conceptualization of civil-security sector relations in liberal theory rests on the assumption that the public security sector is constitutionally integrated into the organization of a liberal state, which rules with the public consent of a liberal society. Traditionally, the absence of a liberal dimension in one of the trinity's components<sup>19</sup>, namely society, state or security sector, appears to obstruct the proper provision of security as a public service in the inclusive interests of all individuals within a society.

In sum, in order to conceptualize the public and private nature of security one has to understand whose security interests are served. From a liberal theoretical point of view, private security describes security that is provided not inclusively on behalf of a societal public, but exclusively for the protection of private individual, group or partisan lives, liberties or estates. It follows that public security is concerned with the inclusive protection of the lives, liberties and estates of a public, namely an association of individuals managed by the regulatory authority of a state acting on behalf and with the consent of this association.

### The Nature of Security in Africa

Trying to provide a holistic account of the nature of security on the African continent will inevitably result in generalizations. Some African states do better than others in creating inclusive public security sectors. Also, the status quo of civil-security sector relations can change quickly on a continent, which has a long history of political, social, economic, or ethnic unrest<sup>20</sup>. Nonetheless,

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<sup>18</sup> Huntington, *The Soldier and the State*, 81.

<sup>19</sup> According to liberal theory, the provision of security ought to be founded on a civil-security sector complex consisting of liberal society, liberal state and its agent the security sector. This civil-security sector complex is referred to by Clausewitz as the 'trinity', which guarantees that particularly in war security is provided as a public good benefiting society's security interests. See Carl von Clausewitz, *Vom Kriege*. Book 1 (Berlin: Ferdinand Dümmler, 1832-34) Ch. 1, § 28.

<sup>20</sup> Howe, *Ambiguous Order*, 2.

African states all share a common legacy that until today shapes the way African societies relate to their states and security sectors: a colonial history creating the geographic, ethnic and political reality on the continent. Most African states did not emerge as a result of a genuine free will of individuals with a common history, language, religion or ethnicity to form a public association, but are the result of an external carve-up of the continent for mere administrative purposes by colonial powers<sup>21</sup>. As a consequence, many African states today are highly pluralistic entities in terms of their citizen's ethnic, religious, lingual or tribal affiliations that often take precedence over a sense of national belonging<sup>22</sup>. The individual's feeling of affiliation with a public entity is therefore commonly undermined by pervasive forms of subnational non-public affiliations. To some extent this stands in stark contrast to the individual's integration into its community and sense of serving its community in Africa of pre-colonial times. Although not being part of a public liberal society administered by a state, Africans in the pre-colonial era demonstrated strong affiliations with their more homogenous communities willing to take up arms to provide security in defence of the public<sup>23, 24</sup>. Thus, as feelings of national affiliation have been traditionally alien to African societies, those states that emerged from the colonial era were confronted with the task to cultivate a sense of public belonging beyond subnational identities so as to create realms of inclusive public security for all individuals within their boundaries. However, security sectors in Africa have rarely been public in nature for both societies and states have lacked a sense of public cohesiveness and mutual responsibility towards fellow individuals within the public association. Subsequently,

The management of security by at least a substantial number of African states is in practice essentially 'private', in that such security as exists is primarily concerned to protect the lives, power and access to wealth of specific groups and individuals

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<sup>21</sup> Clapham, "African Security Systems," 25.

<sup>22</sup> Howe, *Ambiguous Order*, 12.

<sup>23</sup> Ramkrishna Mukherjee, *Uganda, A Historical Accident?*, 10 ff.

<sup>24</sup> Robert E. Edgerton, *Africa's Armies: From Honour to Infamy*. (Boulder, CO: Westview, 2002), 17.

who control the state, and is not substantially different from the security provided, say, by a warlord who is not formally recognised as representing a state.<sup>25</sup>

Both state and non-state security providers have done little to provide security inclusively as a public good in Africa. In the following sections we will discuss how state and non-state actors shape the nature of security in Africa.

### State Actors Providing Security in Africa

As discussed in the previous section, the liberal ideal of civil-security sector relations revolves around civilian control of the security sector as well as the public state-owned security sector's ambition to serve civil-society and state to provide security as a public good. In Africa, the public security sector consists of statutory forces such as the military, law enforcement or intelligence services. In many cases the public security sector is a remnant of the colonial era, not providing security inclusively for all individuals within the public sphere but exclusively for certain groups or regimes<sup>26</sup>. Instead of being a true servant of the public's desire for uncompromised protection from domestic and external security threats, in the decades following independence African public security sectors have increasingly become servants of ruling elites' particularistic private partisan interests. African public security sectors' failure to assume the role of providing security as a public good on behalf of society at large can be explained by two instances that have triggered African public security sectors to become politicised, as opposed to publicised, guardians of partisan private interests. In the first instance, a strong state tries to mitigate the influence of the security sector and in the second instance, a strong security sector tries to mitigate the influence of the state.

Due to the fact that the public security sector commonly constitutes the most powerful dimension within a state, autocratic African regimes that assumed power after independence were often scared that the public security sector might protect the interests of the public rather than the regime's particularistic private interests. Therefore, many post-colonial African regimes tried to reshape the domestic public security sector by investing into

<sup>25</sup> Clapham, "African Security Systems," 24.

<sup>26</sup> Samuel Decalo, *Coups and Army Rule in Africa*, (New Haven, CT: Yale University Press, 1976), 14-15.

commissarism<sup>27</sup>, namely the attempt to control the public security sector through the establishment of parallel competing security forces or various forms of ethnic, tribal or partisan favouritism. First, most regimes in post-colonial Africa have tried to secure their own private patrimonial interests against popular uprisings or internal security sector mutiny by raising parallel private security forces as a counterweight to existing public security forces. Rather than actually providing security as a public good, such parallel security forces provide security as a private good for particular elites close to the regime. Examples are former Ghanaian President Nkrumah's Own Guard Regiment, former Congolese President Mobutu's Division Spéciale Présidentielle or former Rwandan President Habyarimana's Presidential Guard and Interahamwe militia<sup>28</sup>. African regimes have also created powerful intelligence services, which are often ethnically, religiously or tribally affiliated with the ruling elites to ensure that public security forces were kept in check protecting the private interests of a patrimonial ruling elite rather than the interests of the public<sup>29</sup>. Second, authoritarian regimes in Africa have traditionally made efforts to separate the security sector from society by forms of ethnic, tribal or partisan favouritism. Based on a practice born in the colonial era, regimes have tried to establish boundaries between the public security sector and the public they ought to protect<sup>30</sup>. They have done so by filling key positions within the public security sector's leadership with individuals pledging allegiance to the state not based on nationality but based on ethnicity, religion, tribe, family or ideology<sup>31</sup>. As a result, the state-owned security sector provides security as a private good for the ruling elite sometimes at the expense of minority groups in the public that do not affiliate with the private group interests of the regime. The former

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<sup>27</sup>Kenneth M. Pollack. "The Arab Militaries – The Double Edged Sword," in *The Arab Awakening: America and the Transformation of the Middle East*, ed. Kenneth M. Pollack (Washington, DC: Brookings, 2011), 59.

<sup>28</sup>Howe, *Ambiguous Order*, 44.

<sup>29</sup>Zoltan Barany, *The Soldier and the changing State – Building Democratic Armies in Africa, Asia, Europe, and the Americas* (Princeton, NJ: Princeton UP, 2012), 284.

<sup>30</sup>Claude E. Welsh. "Emerging Patterns of Civil Military Relations in Africa: Radical Coups d'état and Political Stability," in *African Security Issues: Sovereignty, Stability and Solidarity*, ed. Bruce E. Arlinghaus (Boulder, CO: Westview Press, 1984), 129.

<sup>31</sup>Augustine J. Kposowa and J. Craig Jenkins. "The Structural Sources of Military Coups in Postcolonial Africa, 1957-1984," *American Journal of Sociology* Vol. 99 No. 1 (1993): 130.

Ghanaian President Nkrumah did not only enforce a recruitment policy based on ethnic favouritism, but also ensured that individuals in the public security sector were members of his Convention People's Party achieving a degree of non-public ideological alignment<sup>32</sup>.

The move towards privatization of the public security sector in Africa in the years following independence has created highly factionalized security sectors, which have accumulated wealth and power through privileged access to states that have been corrupted by particular partisan groups and interests. Particularly individuals in key positions of the public security sector have accumulated private wealth through public patronage and compradorial business connections<sup>33</sup>. Decades of private enrichment, control of key sectors of the economy and various forms of favouritism have allowed many public security sectors in Africa to consolidate their domestic power. As a consequence, much of the public security sector acts now as the guardian of certain regimes' private interests and privileged position<sup>34</sup>. State owned security providers in some African countries have grown so strong so as to become a praetorian force obstructing the liberalization of the state as well as the professionalization of the state's security forces. Weak states unable to cope with various domestic issues such as economic mismanagement, weak societal integration or ethnic and class conflict, were targeted by the state's owned security forces under the false messianic pretence to salvage an infected country from the abyss of political incompetence<sup>35</sup>. Liberalizing states in particular have become vulnerable to the praetorian intervention by public security sectors, which are anxious about losing their privileged position. As economic stability and public order are essential for the legitimacy of a state, regardless of whether liberal or not, the failure of Africa's liberalizing states to provide these public goods often results in the removal of liberalizing regimes by the public security sector<sup>36</sup>.

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<sup>32</sup> Barany, *The Soldier and the changing State*, 284.

<sup>33</sup> Robin Luckham, "The Military, Militarization and Democratization in Africa: A Survey of Literature and Issues," *African Studies Review* Vol. 37 No. 2 (1994): 38.

<sup>34</sup> Mathurinn C. Hounnikpo, *Guarding the Guardians: Civil-Military Relations and Democratic Governance in Africa* (London: Ashgate, 2010), 60.

<sup>35</sup> *Ibid.*, 99.

<sup>36</sup> John F. Clark, "The Decline of the African Military Coup," *Journal of Democracy* Vol. 18 No. 3 (2007): 154.

Signs of domestic political or economic instability become the pretext for the consolidation of private security at the expense of public security.

Thus, looking back at almost half a century of post-colonial independence in Africa, few states were able or willing to create a public state-owned security sector providing security as an inclusive public good. In fact, most public security sectors in Africa have *de facto* become privatized and depublicized as they provide security exclusively as a private good for certain ethnic, religious, tribal or partisan factions. Often, security as a private good does not only fail to generate inclusive benefits to certain individuals and groups but even comes at the expense of those marginalized. That is to say, private partisan security becomes a zero-sum game whereby the increased security of ruling elites creates growing insecurity for those excluded as the latter are arrested, detained, tortured or killed without any public protection<sup>37</sup>.

#### Non-State Actors Providing Security in Africa

In face of the African state's common failure to assume the role of the public servant relying on its state-owned public security sector to provide security inclusively on its territory, alternative private security sectors have emerged. Resorting to the private use of force has become an alternative means for marginalized or terrorized individuals to provide security in anarchical failed states that either lost their ability or their willingness to provide public security inclusively to all individuals within their territory<sup>38</sup>. As many African states have lost their legitimacy as public actors or their monopoly on the control over violence, private actors have assumed the role to provide security as a private good for all those left unprotected by corrupted, politicized public security sectors<sup>39</sup>. Due to the fact that the African state has widely disregarded its social contractarian duty to provide public security inclusively, many individuals and groups have annulled the covenant between society and state returning to the provision of private security in a quasi anarchical state of nature. Kieh

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<sup>37</sup> Edgerton, *Africa's Armies*, 3.

<sup>38</sup> George Klay Kieh and Pita Ogaba Agbese Kieh. "Introduction: The Military Albatross and Politics in Africa," in *The Military and Politics in Africa*, eds. George Klay Kieh and Pita Ogaba Agbese Kieh. (London: Ashgate, 2004), 7.

<sup>39</sup> Luckham, *The Military, Militarization*, 19.

categorizes private providers of security into six different groups that operate in African private security sectors by providing security exclusively as a private good: secessionists, warlords, populist insurgents, vigilants, ethnic militias and mercenaries<sup>40</sup>.

One of the most common private security providers in the highly factionalized African states are secessionist groups, which neglected and marginalized by their respective state try to break away and create their own independent public state<sup>41</sup>. In 1966 controlled by tribes from Northern Nigeria, the Nigerian public security sector turned against members of the Ibo tribes excluding them from the realm of public security. In consequence, members of the Ibo tribe declared their own state of Biafra in 1967 in the Eastern provinces of Nigeria in an attempt to enhance their security<sup>42</sup>. Although providing security as a private good exclusively to members of the Ibo tribe, the newly created Biafran armed forces challenging the politicized Nigerian public security sector, were able to establish a sense of public security in this new state.

Warlordism has become another major source of private security on the African continent. Unlike secessionist groups, warlords do not necessarily want to break away from existing states. Instead, warlords operate transnationally in quasi-states without being constrained in their activities by public security sectors<sup>43</sup>. Warlords are able to create entities of private security by arming family or clan members to protect the warlord's own private interests. The failed state of Somalia presents an interesting case whereby a state unable to provide public security has allowed warlords to organize security as a private good<sup>44</sup>.

Populist insurgencies led by charismatic leaders based on an inclusive populist agenda are an interesting example of non-state actors potentially providing public security in cases where public security sectors fail to do so. As

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<sup>40</sup> See George Klay Kieh, "Military Engagement in Politics in Africa," in *The Military and Politics in Africa*, eds. George Klay Kieh and Pita Ogaba Agbese Kieh. (London: Ashgate, 2004).

<sup>41</sup> *Ibid.*, 47

<sup>42</sup> Edgerton, *Africa's Armies*, 104-108

<sup>43</sup> Kaldor, *New and Old Wars*, 97.

<sup>44</sup> Christopher Kinsey, Stig Jarle Hansen and George Franklin, "The impact of private security companies on Somalia's governance networks," *Cambridge Review of International Affairs*, Vol. 22, No. 1 (2009).

grass root movements insurgencies understand that they have to gain legitimacy in the eyes of the public at large. Relying on the public for intelligence, logistics and recruits, the Ugandan National Resistance Army (NRA) invested highly into being perceived as a public force for good in their struggle against Obote's corrupted regime in the early 1980s<sup>45</sup>. Providing aid, infrastructure and public protection from the politicized, factionalized public security sector, the NRA as a non-statutory force was able to deliver public security inclusively.

Kieh further identifies vigilants as another group operating in Africa's private security sectors. As ethno-communal or religious groups trying to impose their own norm of 'law and order', vigilants feel excluded from the realm of public security and decide to take up arms to protect their communities in a state of anarchical insecurity<sup>46</sup>. In the same way, also ethnic militias operate as private security providers creating private realms of security for members of particular ethnic groups in response to the post-colonial African state's unwillingness or inability to provide inclusive public security.

Apart from domestic private providers of security, also mercenaries as external private security providers have been involved in Africa's private security sectors. Motivated by private individual profit, mercenaries have a long history in Africa being hired locally or abroad to provide private security for particular regimes or ethnic, religious and partisan groups. Since the end of colonialism mercenaries have taken advantage of the security vacuums in Africa to fight for example for Belgian business interests in Congo and British

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<sup>45</sup> Maj Charles Kitembo, "The Civil-Military Relations in Countries Emerging From Instabilities in Africa: The Challenge for the Security Sector Reform (SSR)," *Joint Services Command and Staff College Defence Research Paper* (2006): 15.

<sup>46</sup> Kieh, "Military Engagement in Politics," 49.

oil interests in Nigeria in the 1960s<sup>47</sup>, for the CIA in Angola in the 1970s<sup>48</sup>, for Mobutu in Zaire in the 1990s<sup>49</sup> or for Ghaddafi in Libya in 2011<sup>50</sup>.

*Inter alia* motivated by profit seeking and therefore often prematurely tagged with the mercenary label, private commercial providers of security are the most recent phenomenon in Africa's highly diverse security sectors. Unlike mercenaries, contractors working for commercial providers of security commonly referred to as private military and security companies (PMSCs), are not driven by individual profit but are employees of commercial enterprises delivering a diverse range of security services for corporate business profit<sup>51</sup>. Also, unlike mercenaries, PMSCs tend to not involve themselves in political intrigue<sup>52</sup>. Ever since the first modern establishment of commercial providers of security in the late 1960s, Africa had been a core market for commercially provided private security services<sup>53</sup>. It was not, however, until the 1990s that commercial companies became prominent actors in Africa's private security sectors<sup>54</sup>. The commercialisation of security in the modern era can be traced back to the founding of the British PMSC Watchguard in 1967, which laid the foundation for an expanding commercial security industry in the 1980s<sup>55</sup>. Private commercial security in Africa became the subject of public attention only with the military operations conducted by the former South African PMSC

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<sup>47</sup>Angela McIntyre and Taya Weiss, "Weak governments in search of strength – Africa's experience of mercenaries and private military companies," in *From Mercenaries to Market: The Rise and regulation of private military companies*, eds. Simon Chesterman and Chia Lehnardt (Oxford: Oxford University Press, 2009), 68.

<sup>48</sup>Abdel-Fatau Musah and J. 'Kayode Fayemi, "Africa in Search of Security: Mercenaries and Conflicts, an Overview," in *Mercenaries: an African Security Dilemma*, eds. Abdel-Fatau Musah and J. 'Kayode Fayemi (London: Pluto Press, 2000), 23.

<sup>49</sup>Khareen Pech, "The Hand of War: Mercenaries in the former Zaire," in *Mercenaries: an African Security Dilemma*, eds. Abdel-Fatau Musah and J. 'Kayode Fayemi (London: Pluto Press, 2000), 127.

<sup>50</sup>Martin Chulov and David Smith, "Libya: Gaddafi's army of mercenaries face backlash," *The Guardian*, September 02, 2011.

<sup>51</sup>Christopher Kinsey, *Corporate Soldiers and International Security: The Rise of Private Military Companies* (London: Routledge, 2006), 64.

<sup>52</sup>Caroline Holmquist, "Private Security Companies: The Case for Regulation," *SIPRI Policy Paper* No. 9 (2005): 9.

<sup>53</sup>Kinsey, *Corporate Soldiers*, 47.

<sup>54</sup>Adedeji Ebo, "Private Actors and the governance of security in West Africa," in *Private Military and Security Companies: Ethics, Policies and Civil-Military Relations*, eds. Andrew Alexandra, Deane-Peter Baker and Marina Caparini (London: Routledge, 2008), 144.

<sup>55</sup>Kinsey, *Corporate Soldiers*, 51.

Executive Outcomes (EO) on behalf of the Angolan and Sierra Leonean government in 1993 and 1995<sup>56</sup>. Clapham argues that commercial security providers such as EO although providing military combat support services in a commercial capacity, sometimes can provide security as a public good in absence of a willing or potent public security sector to do so<sup>57</sup>. The reason is that private commercial providers of security in Africa, if not employed domestically by certain elites, intervene in conflicts as external third parties with fewer antagonisms towards certain groups within the public. This allows them to potentially provide security more considerately as a public good for all individuals within the operational environment – even if public security is just a secondary outcome to achieving tasks with primarily private benefits.

This section has demonstrated that the liberal ideal of the state monopolizing the authority over violence by agreeing to provide public security in exchange for the individual's renunciation of the unauthorized private use of violence, is still some way off on the African continent. For most public security sectors fail to provide inclusive public security, private security sectors have been established to provide security as both public and private goods. The nature of security in Africa is thereby determined by a variety of state and non-state actors that mostly provide security on factionalist terms favouring private interests of ethnic, religious, tribal or partisan groups while often failing to provide security as a truly public good.

### **The Nature of Commercial Security in Angola**

Eleven years after the end of the civil war Angola finds itself in a state of rapid economic growth and steady reconstruction emerging as a regional power in Southern Africa. Mostly fuelled by expansive hydrocarbon revenue, Angola's economy has not just recovered from decades of civil war but it has also laid the foundation for Angola's image as a boom country amid regional economic and political decay. Extractive industry producing oil and gas in the West and diamonds in the East of the country has been the motor for economic growth

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<sup>56</sup> Eeben Barlow. *Executive Outcomes: Against All Odds* (Johannesburg: Galago Publishing, 2008), 295.

<sup>57</sup> Clapham, "African Security Systems," 44.

and growing prosperity particularly for Angola's urban society. As a consequence, the protection of this core industry's operations has become a priority for national security. Unable to provide for the security of extractive industries alone, public security sector services have been supplemented by commercially provided security services since the early 2000s. Today, Angola has one of the largest and highly developed indigenous commercial security sectors in Africa, which is closely tied to the country's mineral resource wealth<sup>58</sup>. Therefore, this section will focus upon Angola as a case study on basis of which to examine the nature of commercially provided security on the African continent. As a country shaped by an only recently concluded civil war, various social and economic sources for domestic instability as well as extensive foreign investment into its mineral resource wealth, Angola presents a predestined case to explore to what extent commercially provided security in Africa is either public or private in nature.

Before analyzing the commercial market for security in Angola one has to first understand the socio-political reality of the country and its impact on the provision of security as either a public or private good. After its release into independence from Portugal in 1975, a civil war erupted between three liberation movements; the FNLA, the MPLA and UNITA. Supported by different social and ideological bases, particularly the latter two movements grew into important political players in post-independence Angola. The *Movimento Popular de Libertação de Angola* (MPLA) was founded by the left-wing educated urban elite of Portugal-ophile *assimilados* in Angola's capital Luanda and followed a Marxist ideology. The *União Nacional para a Independência Total de Angola* (UNITA) was a liberation movement without a clear ideological orientation but a strong rural African base comprising individuals from mostly the Ovimbundu and Bakongo tribes in the North and East of the country<sup>59</sup>. Despite short intervals of instable peace, these two movements, after partially absorbing members of the FNLA, fought each other

<sup>58</sup> Ulrike Joras and Adrian Schuster, "Private Security Companies and Local Populations: An Exploratory Study of Afghanistan and Angola," *Swiss Peace Working Paper* No.1 (2008): 45.

<sup>59</sup> Sean Cleary, "Angola: A case study of private military involvement," in *Peace, Profit or Plunder? The Privatization of Security in War Torn African Societies*, eds. Jakkie Cilliers and Peggy Mason (Johannesburg: Institute for Security Studies, 1999), 143.

in a brutal civil war lasting for almost three decades dividing the country into two spheres of influence, whereby the Western coastal areas were controlled by the MPLA and the Eastern rural areas by UNITA. When the civil war came finally to an end in 2002, the MPLA under the leadership of President Dos Santos emerged victoriously assuming control of the entire country and supervising the disarmament of UNITA fighters. Nonetheless, Angola remains until this day one of the most militarized countries in Africa, defined not just but an extensive circulation of fire arms among the civilian population but also one of the largest public security sectors on the continent<sup>60</sup>. At the heart of civil-security sector relations stands a closely knit patrimonial network surrounding President Dos Santos, which similar to other African states, has developed into a shadow administration controlling all aspects of economic, political and security affairs in the country. In executing control over Angolan economic, political and security affairs, similar to other regimes in Africa, Dos Santos's administration has primarily not catered for the interests of the public but for its own interests. In order to protect his patrimonial system, Dos Santos has engaged into extensive coup-proofing over the past decades by creating a diversified public security sector, which consists of the National Police, the Angolan Armed Forces (FAA), the Military Police, the paramilitary Rapid Intervention Police (known as the 'Black Ninjas'), the Presidential Guard and the Organization of Civil Defence<sup>61</sup>. Particularly, the Presidential Guard and the Rapid Intervention Police are recruited on basis of tribal affiliation ensuring that both entities do not establish bonds with the public in the MPLA's core areas around Angola's capital Luanda. Effectively, Dos Santos has created a dual security sector directly controlled by him and the MPLA acting as a counterweight to the FAA and regular national police<sup>62</sup>. While the diversification of the public security sector has obstructed plotting against the regime and kept certain forces within the FAA in check by creating a buffer between potential plotters and the MPLA's regime, it has rendered the

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<sup>60</sup> Alex Vines and Markus Weimer, "Assessing Risks to Stability," *Report to the CSIS Africa Program*, (June 2011): 13

<sup>61</sup> Joras and Schuster, "Private Security Companies and Local Populations," 39.

<sup>62</sup> Paula Cristina Roque, "Angola: Parallel Governments, Oil and Neopatrimonial System Reproduction," *Institute for Security Studies Situation Report*, June 06, 2011, 4.

provision of public security widely ineffective<sup>63</sup>. Similar to developments in public security sectors in other African countries discussed in the previous section, the failure of the public security sector in Angola to provide public security in some areas of the country has caused civilians to arm themselves to provide for their own security. It is against this backdrop that one has to approach the analysis of the nature of the commercial security sector in Angola.

The history of commercially provided security in Angola dates back to the employment of the former South African PMSC Executive Outcomes (EO) by the MPLA government between 1993 and 1995. Impressed by the operational effectiveness of EO in liberating UNITA held territories, Angolan military leaders created their own PMSC, *Sociedade de Telecomunicações, Segurança e Serviços* (TeleService), and laid the foundation for an indigenous Angolan market for commercial security<sup>64</sup>. Among the more than 300 indigenous companies operating in Angola today, TeleService and Alpha 5 remain the biggest players on a market characterized by high market concentration<sup>65</sup>. Unlike other commercial security markets even in Western countries, Angola has one of the most regulated markets in the world. Through the Law on Private Security Companies (19/92) and Diamond Law (16&17/94), the Angolan state has reinforced its monopoly on the legitimate authority over violence by controlling the market entry and service levels of commercial security companies<sup>66</sup>. In essence, these state-enforced market regulations aim at first maintaining state control over commercially provided security and second demarcating the scope of private and public security. According to the definition laid down in Law (19/92) and (16&17/94), the protection of private assets of extractive industries is not a public good provided for by the Angolan public security sector but a private good that ought to be provided by private commercial providers of security<sup>67</sup>. Today, Angolan PMSCs predominately serve this purpose of catering for the security of extractive industry operations in the diamond areas of Lunda Norte & Sul as well as in the oil rich areas along

<sup>63</sup> Wines and Weimer, "Assessing Risks to Stability," 15.

<sup>64</sup> Cleary, "Angola: A case study," 147.

<sup>65</sup> Joras and Schuster, "Private Security Companies and Local Populations," 46.

<sup>66</sup> Lei Sobre as Empresas Privadas de Segurança, Lei no. 19/92 de 31 de Julho (1992).

<sup>67</sup> Joras and Schuster, "Private Security Companies and Local Populations," 41.

the coast. In so doing, it seems at first sight as if commercial providers of security in Angola operate detached from the public security sector merely protecting private commercial interests of extractive industries. However, when looking behind the façade of Angola's commercial security and extractive industry, one finds a complex network of different private and public actors who directly or indirectly control the provision of security in the country.

Similar to other African countries, Angola has a public state-owned security sector that has difficulty providing security as an inclusive public good for all individuals within the country. The highly diverse public security sector has *de facto* become privatized and de-publicized as the public security sector predominately serves the exclusive security interests of certain political and military elites close to President Dos Santos. While the Angolan public security sector does not deliberately marginalize certain groups based on their political, tribal, religious or ethnic affiliation, it has been closely tied into a complex network of MPLA, industry and military representatives serving the sole purpose of providing security as a private good for those elites. The commercial security sector in Angola is embedded into this complex elitist network as well. This elitist network is presided over by a presidential clique that de Oliveira dubs the '*futungo*' and that comprises non-elected individuals with close direct ties to President Dos Santos<sup>68</sup>. The *futungo* holds key positions within Angolan extractive industry, the military, the MPLA and ultimately in the commercial security sector. The most important asset of the *futungo* is the giant national petroleum company Sonangol, which supplies the presidential patronage network with oil money through export revenues and foreign debts run against future oil production<sup>69</sup>. Accounting for 90% of government revenues in the 1990s, Sonangol, which is controlled by key players in the *futungo*, allowed the presidential clique to misappropriate public money that could be used to erect a parallel state structure more powerful than actual public state institutions. Thus, the *futungo*'s private enrichment at the expense of the Angolan public mineral resource wealth depends on the security of extractive industry

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<sup>68</sup> Ricardo Soares de Oliveira, "Business success, Angola-style: postcolonial politics and the rise and rise of Sonangol," *The Journal of Modern African Studies*, Vol. 45 (December 2007): 606.

<sup>69</sup> *Ibid.*

operations, which is guaranteed not just by the public security sector but increasingly by the private commercial security sector. That is to say that commercial security providers in Angola do not merely provide security for private mineral extraction companies but also indirectly for the private interests of the regime around President Dos Santos<sup>70</sup>.

Apart from generating exclusive revenues via mineral extraction companies, political, military and business elites affiliated with the *futungo* have also discovered the commercial market for security as a lucrative means to create income<sup>71</sup>. The most influential PMSCs in Angola, among them TeleService and Alpha 5, are wholly or partially owned by elites close to the presidential clique<sup>72</sup>. Embedded in the patrimonial network tied to the private interests of Dos Santos, Angolan commercial providers of security generate further economic and political power for the president's parallel state structure. In this respect, the ban of foreign commercial providers of security under Law 19/92 cannot be understood as merely a means to enhance public state control of the market but has to be perceived as a means to enhance the regime's private control of the market for its own benefit<sup>73</sup>. By revoking the operating license of foreign commercial providers of security, the *futungo* has ensured that its share of Angola's market for commercial security has increased leading to a further concentration of political and financial power in the private hands of the presidential elite<sup>74</sup>. The elitist control over the market for commercially provided security has a strong impact on the political power of certain elites who are able to increase their ability to provide security not as a public good but as a private good. As members of the *futungo* hold key positions in both the public and commercial Angolan security sector, the regime has increased its leverage in certain areas, especially in the diamond rich East of the country, where national police and the FAA have difficulty providing security. In these

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<sup>70</sup> Paul Cammack, David Pool and William Tordoff, *Third World Politics: A Comparative Introduction* (New York: Macmillan, 1994), 91.

<sup>71</sup> Alex Vines, Nick Shaxson and Lisa Rimli, "Drivers of Change Angola," *Chatham House Position Paper* No. 1 (2005).

<sup>72</sup> Herbert Howe, "African Private Security," *Conflict Trends* (June 2000): 23.

<sup>73</sup> Patrick Cullen, "Keeping the New Dog of War on a tight leash: Assessing means of accountability for Private Military Companies," *Conflict Trends* (June 2000): 39.

<sup>74</sup> Joras and Schuster, "Private Security Companies and Local Populations," 50.

parts of Angola, the commercial security sector acting as a far better equipped and trained appendix of the public security sector does not merely provide private security for extractive industry operations but also generates spill-overs to the public sphere by *de facto* assuming law enforcement functions<sup>75</sup>. By arresting, detaining and flogging illegal miners with impunity, Angolan PMSCs operate on behalf of the private interests of those elites who run the parallel state and benefit from the extraction of certain mineral resources while exercising control in the public sphere. Nonetheless, although mimicking the posture of a public security provider and acting under the authority of the regime, security provided by PMSCs in mineral resource extraction areas is private in nature<sup>76</sup>. Marginalizing the public security sector, commercial providers of security in Angola contribute to the establishment of security in the public sphere, which only benefits certain political, military and business elites<sup>77</sup>. In 2007 Human Rights Watch reported an incident whereby commercial providers of security were used alongside public security sector forces to evict poor residents from an area that was designated by the regime for redevelopment. According to HRW PMSC employees made use of heavy fire arms to force poor residents from their land while being supported rather than constrained by national police and Rapid Intervention Police<sup>78</sup>. This instance demonstrates to what extent commercial providers of security help the regime in Luanda to further its private commercial interests sometimes at the expense of public security.

Circumventing public accountability, PMSCs function as private reserve armies for the *futungo* assisting the personal non-public institutional nature of Dos Santos' regime<sup>79</sup>. Thereby, commercially provided security has become an alternative way for the presidential clique to foster an emancipation of security providers from public civil-societal control strengthening the ability

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<sup>75</sup> Rafael Marques de Morais, "Private security companies and a parallel State in Angola," *Africa Files* (December 2007).

<sup>76</sup> Joras and Schuster, "Private Security Companies and Local Populations," 54.

<sup>77</sup> Morais, "Private Security Companies and a parallel State."

<sup>78</sup> "They Pushed Down the Houses: Forced Evictions and Insecure Land Tenure for Luanda's Urban Poor." *Human Rights Watch Report* Vol. 19, No.7 (2007): 27.

<sup>79</sup> Joras and Schuster, "Private Security Companies and Local Populations," 51.

of the regime to provide security for its own private interests. In a country such as Angola, where key positions in the public security sector are already being held by individuals close to the President, commercial security providers contribute to an increased de-publicization of security transforming the nature of security in Angola evermore into a private good. As a consequence, security in Angola mainly serves a patrimonial network around the President that has previously invested into the creation of a parallel private state structure constituting the actual power-related centre of gravity in Angola.

### **Conclusion**

As African states widely fail to provide public security inclusively for all individuals within their territories, Africa has given birth to one of the fastest growing markets for commercially provided security in the world. While in Western liberal states the commercialization of security constitutes a major paradigm shift, the commercialization of security in Africa follows an already common pattern.

As this paper has demonstrated, security in Africa has rarely been a truly public good inclusively provided by the state on behalf of its society for all individuals within their territory. Much more, African states have developed into parallel elitist entities not catering for the public needs of all its citizens but serving only those tied to the patrimonial network of the regime through sectarian or commercial affiliation. In the same way security is commonly not been provided as an inclusive public good for the benefit of all, but as a private good benefiting only particular elites within a complex of patrimony. The non-public, private nature of security in Africa relates to two factors: first, it only benefits selective groups within the public and often comes at the expense of other groups, and second, it is controlled and maintained by sectarian elites tied into patrimonial networks. That is to say, regardless of whether security is provided by state actors such as the military, police or secret services or by non-state actors such as warlords, rebel movements or militant religious fractions, security on the African continent rarely benefits the security needs of public societies as communities bound by territorial boundaries. Commercial providers of security appear to fall into the same pattern. Although privately owned and striving after business profit, commercial providers of security as private non-

statutory actors do not necessarily sell their services freely on the public market for security. Instead, the commercial security sector functions as a profitable commercial entity generating wealth and power for already well-established elites close to the ruling regime.

Although it is difficult to make general statement about commercial security sectors in Africa based on one case study, the case of Angola has demonstrated to what extent the domestic commercial security sector is embedded into the President's complex patrimonial network controlling the country's power and wealth. Sometimes mimicking a public posture when operating alongside the domestic public security sector, commercial security in Angola is dominantly a private good allowing established elites to foster an emancipation of security from the oversight and control of the public. To this end, commercial security allows the MPLA's parallel state structure to widen the gap between public and private elitist security needs. That is to say, those commercial providers of security in Angola have become similar to the domestically already existing dual security sector, a counterweight to the established public security providers such as the FAA or the national police. Rather than trying to coup proof the FAA or national police by undermining its integrity through the placement of Dos Santos affiliates into organizational key positions, commercially provided security allows the regime to enhance its political influence while securing its economic and financial interests. As a consequence, African commercial security is private in nature and even though generating spill-overs to the public sphere, ultimately serves the private sectarian and commercial interests of those already involved in decades of patrimony.

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**ABSTRACT**

This paper focuses on the degree to which commercial providers of security in Africa are embedded into patrimonial networks catering for exclusive private security interests of certain elites. Focusing on the issue of the private or public nature of commercially provided security in Africa through the prism of normative theory, this paper rather tries to lay an exploratory foundation for the understanding of the interests driving commercial providers of security in Africa.

**KEYWORDS**

Public Security; Private Security; Africa.

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