Should the UN Use Private Military and Security Companies?
September 2012

These texts originally appeared in German in the journal welt-sichten

PRO

By Siddha Hover and Doug Brooks (International Stability Operations Association)

The International Stability Operations Association (ISOA) welcomes the attention the Global Policy Forum report has brought to the important role the private sector plays in supporting UN operations. An effective partnership is critical to effective humanitarian operations, and as with all such successful partnerships, it benefits from careful examination of its flaws and merits. The better the UN is able to practice effective contracting, the better it is both for the vital humanitarian missions and for the industry. It is therefore unfortunate that the GPF report chose to engage in what one reviewer has deemed a "rhetorical crusade", rather than use the opportunity to provide a balanced and accurate discussion on the role of the private sector and the UN.

Throughout the report, private sector firms are characterized as “guys with tattoos and sunglasses”, “coup-plotters”, and “assassins”. This prejudiced vernacular reinforces a false conception of private firms as constituent exclusively of foreigners. In fact, the typical private sector model requires capacity building, training local nationals to service UN missions. Iterations of this and other outdated stereotypes undermine efforts at pragmatism within the UN focused on achieving mission success. As the report itself admits, the reality is that the UN routinely chooses to take advantage of the capabilities of the private sector. Not only do private firms provide irreplaceable services to critical UN missions that member states are often unable or unwilling to provide, but they do so cost effectively.

Although a significantly smaller problem, at the very least private individuals alleged to have committed crimes are fired and removed from the mission. They can also be tried locally (if a functioning legal system exists) and their companies can lose their contracts entirely, which is a strong incentive to address problem personnel proactively. Prosecutions are also possible via extraterritorial laws for non-local personnel, a capability that could be expanded in the future.

While the industry must be responsible for enforcing its own codes of conduct and supporting groundbreaking international efforts such as the International Code of Conduct for Private Security Providers, voluntary codes can only supplement essential governmental legal responsibilities. The Montreux Document provides an invaluable service by helping to delineate which governments are responsible for high crimes in stability operations. Although it is already far easier to hold private individuals accountable for crimes than UN military personnel, much can still be done to improve the situation.

Interestingly, the GPF report challenges the evolution of the UN’s increasingly robust peacekeeping mandates writ-large. While the UN’s peacekeeping role may indeed be overstretched, the sad truth of the situation is that the UN missions are often the last thing standing between innocent civilians and uncontrolled violence. The UN, supported by its private sector partners, is often the only available option to secure the safety of civilians in high risk environments. Although this reality may not sit well in the rarified atmosphere of pundit theory, the stark alternative is too often mass civilian casualties.

The private sector is fallible, and as with all industries, there is always room for further improvement and regulation. Accountability in weak and failed states is precarious at the best of times, as we have unfortunately witnessed in hundreds of criminal acts by UN peacekeepers over the decades. The UN has worked hard to improve the situation, but penalties for peacekeepers caught in sex trafficking or corruption are generally limited to returning the individuals to their home countries; prosecutions are painfully rare.

The report’s critique of the UN’s mandate is also indicative of its tendency to misrepresent the decision-making capabilities of the private sector. The firms contracted to support UN missions are simply implementers of policies determined by the international community. They do not make the decision as to where, when, or how to intervene – rather, they are engaged to make those decisions succeed.
The UN is increasingly relying on PMSCs for a wide array of security services. These include armed and unarmed protection, risk assessment and security training, as well as services not directly related to security such as demining, transportation and logistics. Although data on these contracts is incomplete, available numbers indicate that the UN has given a high priority to security outsourcing in a tight budget environment.

A number of senior UN staff we interviewed for the report expressed concern about this trend. UN insiders and many other observers believe that PMSCs are driving the “bunkerization” of the organization, which increasingly protects its staff and facilities in fortified compounds, behind blast walls, barbed wire and guards. This approach cuts UN staff off from the populations they are supposed to serve and militarizes UN operations. By weakening local “acceptance” of the UN in the field and substituting “hard” security, PMSCs may in fact make UN staff and facilities less safe.

The security outsourcing system negatively affects the UN’s programs and posture in a variety of other ways. The organization has avoided all reference to PMSCs in its official reports, thus creating a grossly unreliable public account of its security policies. The organization has also failed to develop any guidelines and clear responsibility for security outsourcing, and it has hired companies well-known for their misconduct, violence and financial irregularities – and hired them repeatedly. These include DynCorp International, infamous for a number of scandals, including its role in a prostitution scandal involving the UN in Bosnia in the 1990s; G4S, the industry leader known for its violent methods against detainees and deported asylum seekers; and Saracen, a company with links to illegal natural resources exploitation in the Democratic Republic of Congo. Should the UN be partnering with such companies?

In light of these problems, the UN should radically reform its contracting process to avoid association with disreputable companies and clearly define which tasks can be outsourced. Better yet, the UN should go further and consider whether it should use these companies at all.

But what of all the other vital services PMSCs provide to the UN?” ask advocates of the industry. What about logistics, demining, aircraft leasing and maintenance, or translation?

These companies claim to offer a wide range of conventional and uncontroversial services that the UN should be ready to use. But although “aviation” or “translation” might indeed seem “benign,” the context rarely is. We should not forget that under the rubric of “aviation,” DynCorp was a prime contractor for the US program of “extraordinary rendition,” involving kidnapping and torture of many innocent persons. And under the rubric of “translation,” employees of PMSCs CACI and Titan were involved in the torture of detainees at the Abu Ghraib prison in Iraq. Meanwhile, members of the “International Stability Operations Association,” the trade group for PMSCs in the US, include companies that derive the vast majority of their profits from the sale of military equipment (including weapon systems), such as BAE Systems, one of the world’s largest military contractors. Clearly these companies’ version of “stability” is incompatible with the UN’s own mission.

Before rushing into the private option under the promise of cheaper and more efficient services, the UN should seriously examine the track record of the industry. The United States, by far the largest user of PMSCs in the world, is increasingly having second thoughts about its reliance on these companies. A number of reports on PMSC contracts for reconstruction in Iraq, for instance, have revealed instances of non-performance, overcharging and fraud. And the US Agency for International Development is currently reconsidering its dependence on for-profit private contractors for overseas projects.

In light of this track record, the UN must address the costs, governance implications and policy issues posed by PMSCs. The likely conclusion is that the organization should end its use of these companies to safeguard its mission and fundamental values.