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The private security complex and its regulation in Africa: select examples from the continent

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ABSTRACT

This article aims to provide an overview of the primary trends and developments of the domestic private security industry in select countries in Africa, while also further reflecting on a selection of operational challenges and obstacles inherent to the industry and its regulation. In particular, field research was conducted in Uganda to explore the nature of the state ownership of private security companies so as to further highlight the regulatory difficulties. Our findings raise a number of questions pertaining to the theorising of private security regulation answers of which, we conclude, may find utility in drawing on the concept of “hybridity” as an alternative heuristic tool to engage with the realities of state regulation in the Global South.

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Introduction

There has been much debate within international scholarly circles on the nature of domestic private security regulation from a Global North perspective. For instance, a number of scholars have been instrumental in mapping out the nature of private security regulation in various geographical regions (see, for instance, Button, 2007; Button & Stierstedt, 2016; de Waard, 1999), conceptualising regulatory trends from a political economy perspective (White, 2010, 2012) as well as within the context of plural policing developments (see Stenning, 2009). The current state of Global North debates on private security regulation is perhaps best described by Loader and White (2015) where they identify two prevailing ways in which private security regulation is, in their view, conceptualised in the literature. One way in which private security regulation is conceptualised is that the industry needs to be “cleansed” through focussing on “deviant sellers” (Loader & White, 2015, p. 1). The other way is that the industry needs to be “communalised” through focussing on the “empowerment of buyers” (Loader & White, 2015, p. 1). According to the authors, both models fail to account for the role that morality plays in the market and so too only focus on either the buyer (the cleansing model) or only on the seller (the communalising model). They therefore offer a third model to mitigate the weaknesses of both conceptualisations, that of “civilising” the market through considering the role of morality and through developing a deeper role for public regulation, while also considering both the role of the buyer and the seller. They acknowledge that certain conditions need to be present for their model to gain traction, including, in their words, “(relatively) efficient, effective, and legitimate public regulators.” In other words, their model relies on some form of state regulator.

Of course, the nature of this role has been questioned within criminological debates. It has long been recognised that statutory regulation of private security does not “constitute a sufficient

response to the problem” (Johnston, 1999, p. 12). And that in fact private security is regulated in many other ways besides state or public regulation (Stenning, 2000). Johnston (1999, p. 192) also points out that exclusive regulation of private security by the state is in itself a problem, given that the state as “a unified, authoritative, exclusively public body, with an in-built capacity to exercise sovereign control – is becoming a fiction.” This is particularly true for what constitutes “statehood” in many parts of Africa. Similarly, White (2010, p. 14), in providing a historical trajectory of the regulation of private security in the UK, found that what he calls the “reform period” in British history was “shaped by self-interested state actors driven more by a desire to protect their professional domains from the competition of private security companies than by altruistic sensibilities.” In other words, the state of debates in Global North circles on the one hand normatively favours a public regulatory body to regulate the private security industry, while on the other hand, there is acknowledgement of the difficulties in relying purely on this form of regulation.

In comparison to Global North engagements, debates on domestic private security regulation in Africa have been very limited. Given the difficulty in extracting information on the size and shape of the industry itself, much of the literature consists of a mapping exercise where the existing normative frameworks are described and critiqued (see, for instance, Abrahamsen & Williams, 2009; Gumedze, 2015). South Africa is somewhat of an exception, given the advanced state of its regulatory system (see Berg & Nouveau, 2011, which calls for a more innovative approach to regulation in South Africa). In other words, the literature which does focus on domestic private security in Africa tends to focus on the lack of regulatory systems in place and the need to develop them – the underlying premise is that the state fulfil this role and that the private and public sectors are discrete entities although they operate in fluid networks or “assemblages” where there is a considerable blurring of power relations (Abrahamsen and Williams, 2011).

In light of these debates and considering the relative dearth of information on this issue, the article aims to provide an overview of some key trends and developments within the domestic private security industry in select African countries, while also reflecting on some of the operational challenges faced by the private security sector and its regulation. Although we acknowledge the inevitable blurring of “high” and “low” security activities, this article will not focus on private military and security companies on the African continent per se (Brodeur, 1983). Much has been written on the nature of private military involvement and the political implications of outsourcing conflict in spaces of weak or contested statehood (see, for instance, Musah, 2002). However, this article will focus on what could be considered “low” forms of security provision or domestic private security. In this way, we aim to contribute to debates on the public regulation of domestic private security by reflecting on the role of the state in fulfilling this function. Both as an example and as means of demonstrating the complexity of these challenges, we draw on the findings of field research conducted by a commissioned researcher in Uganda on the ownership patterns of private security companies, drawing on both the literature and numerous semi-structured interviews with key individuals. These findings raise theoretical and pragmatic questions around the issue of private security regulation, particularly with respect to both the role of the state and the efficacy of traditional regulatory frameworks. In this way, the aim of the article is to contribute to theoretical debates on regulation and their applicability by focussing on select African empirical examples. This is, furthermore, to acknowledge that there is often a dissonance between many of the conceptual frameworks used to understand private security on the continent, their operational realities, and the regulation thereof.

Theoretically framing the private security complex

Very few countries in Africa have an accurate or reliable account of the number of companies and security officials in operation. Even South Africa, with its extensive system of regulation and data-

capturing mechanisms facilitated by a formal oversight body, has difficulty in keeping track of the approximately two million security officials on its database, of which only approximately 400,000 are accounted for (Gichanga, 2015). In piecing together a picture of the nature of private security on the continent, a useful analytical descriptor of it is that of a “complex.” On the one hand, this acknowledges the sheer number of individual companies, corporations, and collectives that have been formed, consolidated, or expanded in the last decade at the local, regional, and transnational levels (see, for example, Diphooorn, 2015; Goodley, 2011; Palmer, 2015). On the other hand, the term also points to the extent of the networks of relationships that have been formed, both between private security companies themselves and between African states, foreign actors, and indeed the international community itself.

In consideration of the above, a useful conceptual tool with which to frame engagements with the realities of private security ownership may be that of “hybridity.” The term is usually employed by scholars concerned with peacebuilding and conflict studies and/or with forms of governance in places of limited statehood. Hybridity scholars therefore reject a state-centric approach to engaging with the complexity of governance arrangements in global and local settings (Albrecht & Moe, 2015; Hönke, 2013; Luckham & Kirk, 2012; Millar, 2014). More recent scholarly engagements on hybridity reject also the tendency to present the “state” and “non-state” as binaries, instead urging that the nature of political order should be an empirical question (Albrecht & Moe, 2015). This is also similar to the interpretations of other disciplines in light of the complexity of regulatory arrangements, especially in situations of weak or limited statehood where authority may come from various sources. What makes the hybridity literature appropriate is that scholars reject the binary of “state” and “non-state” because of the possibility of a complete *integration* of the two, not just a grafting or a co-operation, but a merging (Luckham & Kirk, 2012).

Governance scholars within legal discourse and in conflict studies use the concept “hybrid” to mean the ways in which the non-state may borrow or enrol the authority of state entities to fulfil their mandates and the two become blurred (see Black, 2008; Scott, 2000). This also ties into the notion of the “simultaneity of authority,” which sees a merging of the state and non-state and where an individual “draws on, articulates, and practises several registers of authority simultaneously” (Albrecht & Moe, 2015). Hybridity understood in this way is a more useful way to explain the merging of state and non-state authorities and formal and informal regulation. As mentioned, Global North debates may normatively favour the state as the public regulator or acknowledge the difficulties in this but not necessarily offer an alternative conceptual framing to understand the nature of relations between the state and the private security industry where there is a merged relationship. What we will show later in this article is that the state as regulator may simultaneously be the primary owner and/or client of private security. To reiterate what many others have found therefore, the concepts “state” and “non-state” and “private” and “public” are not necessarily useful as heuristic devices, and this extends to the issue of regulation, which needs to be conceptualised within an alternative framing. We, therefore, suggest that through employing the concept of “hybridity,” we may begin to account for the realities of privatised security, and the many structural differences, between the developing and developed contexts. The remainder of this article will therefore explore trends, developments, and challenges on the African continent with respect to the private security industry and its regulation; highlight an exemplar of the blurring between the private sector and the state through an example from Uganda; and conclude on the way forward with respect to adopting the concept of “hybridity” as an alternative conceptual framing.

Trends and challenges on the African continent

Africa, and the relationships between its member states, people, and industries are themselves intricately enmeshed; such heterogeneity is not only reflected but further magnified when looking

Table 1. Country ranking by private security industry size

Country ranking	Size of private security per 100,000 of the population
1. Hungary	1050
2. Guatemala	944
3. Panama	928
4. Honduras	870
5. South Africa	806

to private security companies, not only because security remains a critical concern in multiple places but because classical distinctions between the state and non-state, between private and commercial interests, between “high” and “low” security, and indeed between what is pre-emptive and preventative are often unclear, as mentioned (Bowling & Sheptycki, 2012; Brodeur, 1983; Kushner, 2015; Williams, 2016). Yet in acknowledging and taking seriously this complexity, it is *not* possible to provide a definitive “map” or complete analytical “outline” of the myriad of ways in which private security exist, operate, and interact in Africa. This being said, it remains possible to reflect on at least some of the central thematic features of this complex and, when narrowed down slightly, possible to give a fair account of the private security industry as it exists in/at the levels of individual countries and regions. Speaking to this, in this section, we provide a brief overview of what are (arguably) the primary thematic trends and challenges that help shape the private security complex on the continent. In providing illustrations to this thematic, we draw secondly on a number of examples from diverse range of African countries to show how this diversity creates both congruencies and disparities.

Beginning with their basic structural features, private security companies in Africa occupy many roles, perform a number of functions, and in totality have an inordinately varied clientele – varying in diversity from the protection of private property to the protection of individuals, from the safeguarding of embassies to the escorting of ships and vessels at sea, and, often in seeming contradictory ways, from facilitating aid projects to coalescing around resource-rich sites and helping to expedite the path of natural resources from source to consumer (Ferguson, 2005; Spearin, 2001). Organisations can also vary greatly in size, the smallest of which are individually run and operated micro-companies, while the largest of which are multinational conglomerates such as G4S which reportedly operates in 24 African countries employing approximately 120,400 people (G4S, 2017).

The demand and need for private security services is in many African countries itself a resource to be mined (Brooks, 2000). In reviewing what is known about private security on the continent, domestic private security is a burgeoning industry. In some countries it is, and has been, growing at an exponential rate for decades. For instance, using data available at the time of writing, South Africa hosts the largest (known) numbers of private security companies and employees on the continent – both per capita and in terms of raw numbers. In 2015/2016, there were over 8692 security companies and approximately 488,666 registered and active private security employees in South Africa compared to 151,834 police officers in the South African Police Service (excluding civilians) and members of the armed forces (Private Security Industry Regulatory Authority, 2016; South African Police Service, 2016). In other words, compared to the state security apparatus, private security outnumbers the public police by 3 to 1. Whereas the public police total 276 personnel per 100,000 of the population of South Africa, the private security industry boasts 889 per 100,000 of the population. Even on the global stage, the country has a particularly large sector as Table 1 shows, drawn from the Small Arms Survey (2011) which reviewed the state of private security in 70 countries.

Knowing this, what is known about other African countries is, as mentioned, limited. Summing up what information exists, in Kenya, “[i]t is estimated that there are currently between 2000 and 4000 such companies operating ... which employ approximately 300,000 guards” (Noor & Wagacha, 2015). In Liberia, estimates from 2012 indicate that there were 87 companies with

around 7000 employees outnumbering the approximately 6000 armed forces and police forces combined (Von Boemcken, 2012). In Botswana, there were reportedly 2377 registered private security companies according to an industry association, while in Namibia in 2010, there were 216 companies with an estimate of 20,000 employees (Molomo & Maundeni, 2015; Nakutta, Duminy, & Simamuna, 2015). In Ghana, in 2014, there were reportedly 176 licensed security companies, according to the Ministry of Interior, but reportedly 1053 companies according to Ghana's Association of Private Security Organizations (Owusu, Owusu, Oteng-Ababio, Wrigley-Asante, & Agyapong, 2016). In Senegal, it was estimated that there were 150 security companies and between 25,000 and 35,000 employees in 2008 (O'Brien, 2008). In Sierra Leone, estimates posit that there were from 30 to 50 security companies in 2009 and approximately 3000–5000 employees (Abrahamsen & Williams, 2009).

Regardless of the size of the industry, whether in South Africa, Namibia, Liberia, and Swaziland, private security is one of the fastest growing industries (Grant, 1989; Nakutta et al., 2015; Simelane, 2008; Von Boemcken, 2012). In Liberia, for instance, the private security industry reportedly doubled its revenues between 2004 and 2011, while in South Africa, private security has gone from an industry worth 600 million Rand (USD44 million) in 1986 to current estimates of it being worth 60 billion Rand (USD4 billion) (Grant, 1989; Von Boemcken, 2012). With new markets and new opportunities, such as maritime protection services required by offshore oil drilling, private security growth is aided by some of the largest industries in the world. The Economist (2015) recently stated, for instance, that “between 2007 and 2009, while an insurgency seethed in the fuel-rich region, Shell splurged \$383 million, 40% of its global security budget, in Nigeria.”

However, as is expanded on below, the provision of such definitional accounts presuppose that there is a clear distinction between the private security industry and other companies, the state, and the communities in which they operate. Such estimates are rarely contextualised in relation to population size or economic growth. Moreover, while private security companies are invariably profit driven, the multiplicity of functions they offer, their embeddedness in the architecture of statehood, informal networks of protection, and indeed the often ill-defined (or poorly enforced) regulatory frameworks and labour practices make neat categorisation of their activities an ongoing challenge. Ironically, the documentation of such indices may not only reflect boundaries, but serve to reproduce them. In direct reference to Africa, such challenges have been noted, both in terms of conceptual and empirical definition (Bearpark & Schulz, 2007).

The lack of verifiable empirical data is itself indicative of the definitional concerns touched on above. The private security complex has become so interwoven into the security/regulation architecture of Africa, and indeed, private security companies and their employees are so embedded in the day-to-day, that in becoming ubiquitous they have become hidden in plain sight. Moreover, their various services and “products” are so widely used – although, it should be said, this use is economically linked – that their employment has become *de facto* for many organisations, governments, and indeed citizens. This, as has been widely noted, raises a whole raft of regulatory, ethical, and safety concerns (see, for instance, Shearing, 2016). With this in mind, it is important to review some of the regulatory frameworks that are in place to govern the industry on the continent and, moreover, to underscore some of the challenges faced in regulating the complex.

The private security complex *in situ*

There have been a number of different responses by African states to both the challenges and opportunities presented by the strengthening of the private security complex more broadly. Beginning with the largest of these, South Africa has the most sophisticated regulatory framework in place on the continent to regulate domestic private security. Many other African countries see it as an exemplar of what normative provisions should be in place. This stems, however, from the

convoluted history of engagement between the private security industry and the state in South Africa – both during and after Apartheid. The earliest legislation stems from the 1980s as a means by which the Apartheid government could harness the private capacities of the industry (that is, the Security Officers Act of 1987 and the subsequent creation of a Security Officers' Board). Therefore, much of the focus on this initial regulation was on professionalising the industry to administer core functions, while the state security agencies could focus on maintaining the apartheid infrastructure. In other words, the industry was both actively and passively recruited to fill the gaps left by the state – the 1980s legislation reflects this.

Revised legislation from the 2000s stems from a wary post-apartheid, democratic government cognisant of the industry's past and its specialist abilities. It is argued that the 1987 legislation was created to protect the interests of the industry, whereas the later legislation (including the amendments of the 1990s) was created to protect the interests of the public, hence explaining why the later legislation takes on a more punitive stance with respect to the treatment of the industry by the new, democratic government (Ibbotson, 1994). The underlying principles of the apartheid and post-apartheid legislation thus reflect the changing regulatory tactics employed by the two state systems. The newer legislation was ultimately designed to tighten the loopholes and fill the gaps of the 1980s legislation as well as to legitimise and professionalise the industry in order that it contributes to the good of society.

The current legislation regulating private security in South Africa is extensive and has already been discussed by scholars in detail (see Berg, 2003; Minnaar, 2007). Therefore, in brief, the primary documents (some of which have since been amended or revised) include the Private Security Industry Regulation Act of 2001, Appeal Regulations of 2002, Improper Conduct Enquiries Regulations of 2003, Code of Conduct for Security Service Providers of 2003, and others. Presently, the Private Security Industry Regulation Act of 2001 provides for the establishment of a regulatory body called Private Security Industry Regulatory Authority (PSIRA) as well as a Council (consisting of a maximum of five persons) which “governs and controls” PSIRA.

A large degree of power has been conferred to PSIRA inspectors to undertake the task of ensuring that companies and officers in the private security industry are registered and comply with the law – a reflection perhaps of the state's desire to regulate the industry in light of its past practices and exponential growth.

South Africa's story is a fairly unique one in terms of the history of the development of private security and the regulatory framework enacted. For instance, in Swaziland, there exists no specific legislation aimed at the private security industry and any regulation in place is constituted through labour law and corporate regulation (Simelane & Maziya, 2015). In effect, this means that “[a]nybody can start a private security company in Swaziland” (Simelane, 2008, p. 605). Although Botswana has a Private Security Bill of 2007, it has yet to be approved and enacted (Molomo & Maundeni, 2015). In the meantime, the industry remains unregulated by the state.

Moving further afield, Namibia has a Security Enterprises and Security Officers Act of 1998, as well as the Security Enterprises and Security Officer Regulation Board, the accompanying regulations, at the time of writing, had yet to be enacted (Nakutta et al., 2015). In Nigeria, there exists the Private Guard Companies Decree of 1986 and the Private Guard Companies Act of 1990, yet there is no regulatory body per se, instead the paramilitary agency, the Nigeria Security and Civil Defence Corps (NSCDC) is responsible for registering private security companies as well as attending to its other tasks focussed on national security (Olawale, 2016; Omotoso & Ader, 2016). In Liberia, regulation is by means of licencing (renewed annually), which is controlled by the Division of Public Safety, Ministry of Justice, headed by the Assistant Minister of Justice, Administration and Public Safety (Ashkenazi & von Boemcken, 2011). In Ghana, private security companies are similarly regulated by the Ministry of Interior and the Ghana Police Service and, as with South Africa, has had a long history of attempts to regulate the industry – dating back to the 1970s through the Ghana Police Service Act (Abudu, Nuhu, & Nkuah, 2013; Owusu et al., 2016). Later, amendments to this Act in the 1990s provide for registration and the provision and renewal

of licences as well as regulations on uniforms and firearms (Owusu et al., 2016). Similar to Ghana, private security companies are regulated by the police in Uganda, primarily in accordance with Sections 72 and 73 of the amended Police Act Cap 30, and the Police (Control of Private Security Organisations) Regulations (Nakueira, 2015). While the former is more general, the latter is more specifically focussed on the laws governing the operations of the private security industry, having been developed in 2007 to replace the earlier versions made valid in 1997 and 2004. Under Section 1(w) of the Police Act Cap 303, a private security company is defined as a registered company under the Companies Act, of which only those private security organisations that have registered under this Act are allowed to provide security services (Nakueira, 2015). In terms of regulation and oversight, the Inspector General of Police is primarily responsible for ensuring that all private security companies comply with these regulations and is also responsible for their continued operation and the supervision thereof (Nakueira, 2015). This is similar to the way in which the registration of private security companies takes place in Tanzania (Shadrack, 2011).

The above provides only a snapshot of some of the regulatory trends in a few countries, but what is common to most, if not all, countries on the continent is the challenges faced in terms of the regulatory frameworks in place and their functionality. What follows is a brief overview of some of these challenges.

Political and private challenges

On reviewing the literature on domestic private security in Africa, one of the most pervasive regulatory challenges is the problematic nature of the private security industry itself (see, for instance, Abudu et al., 2013; Ashkenazi & von Boemcken, 2011; Mkutu & Sabala, 2007; O'Brien, 2008; Omotoso & Ader, 2016; Owusu et al., 2016; Simelane, 2008; Von Boemcken, 2012 on which the following section is based). Many countries have the mammoth task of professionalising an industry which is largely unknown, a nebulous entity characterised by poorly paid security guards, with limited or no benefits, low skills, and lack of training often undertaking dangerous jobs in contentious spaces. There is often a blurring of informal and formal activities skirting the line between what is legal and illegal. Although difficult to expose, the industry is often accused of criminal practices, having links to organised crime and/or committing human rights abuses in the course of their duties. There are concerns in many African countries about the involvement of foreign nationals in the ownership of private security companies, particularly given the history of private military companies on the continent and the influx of ex-combatants into the industry. Some countries have opted for a ban on foreign ownership (such as Nigeria, Liberia, and Senegal), while some are still considering the economic and political effects thereof (such as South Africa) (Ashkenazi & von Boemcken, 2011; O'Brien, 2008).

The increasing size and diversity of the industry has left governments feeling uncomfortable with the incursions into what was considered the traditional role of the state – hence for instance, stricter regulations on uniforms, insignia, and weapons, to prevent companies from emulating the state and encroaching on state authority. The industry is also beset by inequalities – particularly gender inequalities – with long hours, limited benefits, and dangerous conditions being cited as the primary reasons for the industry remaining a male-dominated one. Many of these challenges are contingent on a market which is a highly competitive one, where low costs trump quality service and security guards are a readily available commodity for short-term contracts. Collusion and corruption during tendering processes only add to this problem.

There are also challenges faced by the regulatory agencies themselves. Given the diversity of activities undertaken by the industry, its in-house component, and the blurring of high and low forms of security, one of the greatest challenges is in defining the industry. A definition too broad or too narrow may result in an industry too unwieldy to regulate or not regulated sufficiently. As mentioned, whereas some countries have developed regulatory provisions in place, others simply have no direct state regulation of the industry. Those countries which do have laws in place

usually experience problems of a lack of/ or low resources, lack of capacity and staffing, and a general lack of political will to properly fund regulatory efforts. For instance, even for a fairly well-resourced country, like South Africa, PSIRA struggles with capacity issues with respect to the number of inspectors allocated to inspect private security businesses.

One of the primary challenges faced is the difficulty in controlling those who enter the industry – vetting entry and screening applicants is a considerable task given the high turnover rates of guards entering and exiting the industry on short-term contracts. Although firearms may be outlawed in some countries (such as for instance Nigeria, Liberia, Swaziland, and Botswana), those countries which do allow private guards to be armed face the added difficulty of ensuring that firearms are legally acquired and used by competent personnel (Ashkenazi & von Boemcken, 2011). This is particularly problematic if regulatory frameworks and agencies are not equipped to manage unregistered, unlicensed, or fly-by-night companies. What adds to this problem is when state security agencies (police or military units) are mandated with the task of regulating the industry over and above their core functions. In reference to Nigeria, but pertinent to many countries across the continent, Abrahamsen and Williams (2009, p. 10) observe that it is “often difficult to determine where public force ends and private security begins.”

What then are the implications of a state security agency serving as the primary regulator of the private security industry? Similarly, what are the implications for state regulation when the state is the primary client, such as is the case in Swaziland? (Simelane, 2016). Furthermore, consider the involvement of the state in the ownership of private security companies. In Liberia, for instance, private security companies are often owned by government officials. According to Ashkenazi and von Boemcken (2011), the Minister of Defence owns “the largest Liberian-managed firm” and smaller companies are often owned by police officials. So too, in Senegal, according to O’Brien (2008), most private security companies are owned by ex-military or police personnel with some companies being owned by those still in office. Personal connections to the state play an important role in some countries; for instance, in Senegal, “[p]ersonal ties are important, as companies that have the strongest ties to the state security system or to the state bureaucracy are more likely to win licenses” (O’Brien, 2008, p. 658).

Similarly in Nigeria, if one has political connections to the minister or the president, then starting a private security company is a far less onerous and bureaucratic affair (Olawale, 2016). In Tanzania, it has been observed by Shadrack (2011, p. 54) that private security companies are largely owned and/or run “by current serving members and ex-members of the armed forces with political influence thus, in one way or another, blocking any move towards effective regulation.” Likewise in the Democratic Republic of Congo, undertaking successful business ventures is contingent on personal and political ties, as outlined by Hönke (2013, p. 74):

In Southern Katanga, as in many other African countries, working with the state depends entirely on having personal contacts within it. ... good relations with key people in central government are essential for successfully running a large business in the DRC.

This brings to the fore another regulatory challenge which questions the normative stance that the state should be the primary regulator of the industry. This extends far beyond logistical questions around registering and licencing security guards or ensuring compliance with uniform codes – this speaks to the heart of how private security can and should be regulated in contexts where the default regulatory agent, the state, may be compromised.

The case of Uganda

In order to explore this issue further, preliminary field research was conducted in Uganda in the latter part of 2015 to explore the nature of relations between the state and private security companies. The country is of specific interest as a representative example of some of the many challenges faced by both the security industry and indeed the state in finding effective

mechanisms of regulation. The research presented here was specifically commissioned and is based on both a review of the literature and semi-structured interviews conducted by a field worker (Nakueira, 2015) over the course of some three months in 2016 with numerous key participants in the security and regulatory spheres. Where necessary or requested, the interviews have been anonymised.

In Uganda, as noted above, the private security complex is not a “clearly defined homogenous group” (United Nations Office on Drugs and Crime, 2014). This is a product of ill-defined and highly malleable regulatory framework and because the distinction between “the public” and “the private” and “formal” and “informal” is not easy to make. The findings reveal, for instance, that

... the public is very much aware that the state has infiltrated every sector with spies. These spies are said to include “boda-boda” (taxi-motorcyclists), street vendors, waiters as well as people who are deemed to be mentally ill and wandering the streets. This state-run private security network is reported to include regular people working in various public and private agencies to spy on the public for the state. (Nakueira, 2015)

In this sense “private security” is much more than the formal system of registered security guards and by no means a distinct entity from the state.

Considering the political context of Uganda, in which numerous forms of corruption remain problematic, difficulties in the effective implementation of regulation are enmeshed in deeper concerns with corruption and accountability. As the research (Nakueira, 2015) further discovered that:

An interview with the Registrar of private security organisations revealed that in reality the number of registered companies was 151. He however explained that because he had not yet inspected the premises of 20 of the newly registered companies, the list he gave me reflected only 131.

Uganda, unfortunately, remains notorious for the high prevalence levels of corruption, with the public procurement sector having suffered losses amounting to an estimated USD258.6 million per year (Nakueira, 2015).

In essence, the research in Uganda found that most owners or directors of private security companies are members of parliament or close relatives (mostly children) of prominent politicians (including the president’s office) and or ex-military or National Resistance Movement (NRM) affiliates. They also all belong to the same ethnic groups. This is summed up by Nakueira (2015) as follows:

The presence of a strong state influence in the private security industry can be reasonably understood to emanate from the state’s inauguration into power. Control of the private security industry in Uganda is intimately connected with ex-military or current political affiliates of the ruling party. For example ... many of the directors or owners of the private security organisations in Uganda are children of (as well as ex-members of) the former rebel group the National Resistance Army that is now in power. Therefore, the private security industry’s ties to the state can be properly be described as consisting of ethnic, family and close friends to the state.

Much of these findings are confirmed by others, where it has been found that political, ethnic, or kinship connections with state officials (as mentioned, going right up to the president’s office and family) are necessary for private security companies to arm their guards. The implication of this is that only those with connections are able to provide armed guards, which are in greater demand than unarmed guards. In essence, what has been found by the research is as follows:

On the face of it, the private security industry looks like a mundane security machine going about its operations in a country where the state police is barely visible. However, a more nuanced analysis suggests that the private security industry in Uganda is run by an army of Museveni loyalists, NRM apologists and business opportunists who benefit from the lucrative deals and the “stable” security status quo. (Nakueira, 2015)

It goes without saying that effective, formal regulation of the industry is severely hampered by informal connections. Politically connected private security companies in Uganda are essentially

an extension of state security, and when considering that the state is a “politically contested regime,” it becomes all the more apparent than that private security is a useful back-up to protect prevailing state interests should they be threatened (Nakueira, 2015). This has profound implications with respect to the nature of state regulation.

The impacts on state regulation were further articulated in some of the interviews conducted in Uganda; for instance, when asked whether the state’s involvement in the private security industry was problematic, the Director of a Procurement Agency commented as follows:

Definitely yes, because the ownership of most security firms is linked to high profile government persons the regulation is affected, the Ministry of Internal Affairs does the vetting and issuing of licences to operate the security firm, this in itself is a challenge especially to entry in the market sector. Also when the security firm staff are involved in any form of criminal offence during work the cases are not properly handled by the police. (Nakueira, 2015)

This is further emphasised by the comment made below by a former auditor of a private security company with state connections in Uganda:

Politicisation as witnessed in other sectors especially the public sector has had the effect of undermining institutions (especially regulatory) and in the process making them ineffective and redundant in most cases. While the private security sector is still loosely regulated, politicisation of the sector presents the risk of making this worse. Case in point was the ban on [the] use of automatic rifles by security firms that the government laid down years ago but failed to implement it for [a state-owned private security company]. Which in turn caused other firms to drag their feet on implementation ... (Nakueira, 2015)

In this sense, the state “regulates” the private security industry in a manner wholly different from the normative idea of the state as formal, independent regulator set-up to protect the interests of the public or the public good. In other words, in a formal sense, private security is “loosely regulated” through the law and through the regulatory obligations of the Inspector General of Police. In practice, formal regulation is ineffectual and informal systems of regulation dominate. Therefore, in an informal sense, private security is heavily regulated by the state through political, ethnic, and kinship ties; thus, “regulation” occurs not in the imagined ways of a (itself imagined) Global North perspective. The literature, therefore, does not sufficiently account for the interlinkages and hybridity of the state and non-state in contexts where, for instance, a high-level public official (or relative thereof) is also the owner of a private security company winning tenders to protect state assets of which that public official has some benefit.

Conclusion: revising understandings and regulatory frameworks

In light of the examples we provide above, what are the implications for how regulation is conceptualised where the private security are, or buy into, “the private networks of the shadow state” (Abrahamsen and Williams, 2011, p. 223). We acknowledge that the blurring of public and private interests, politics, and business is by any means a new phenomenon – it has long been identified that personal connections are necessary to conduct business with the state (not only in Africa, but in developed contexts too). It has also long been known that political actors, especially in contexts of transitional or weak state governance, may become intertwined with private interests and often corrupt or criminal elements. There is, for instance, a well-developed literature on the “informalisation [or personalisation] of politics,” the interconnections and codependencies of political elites and the informal and formal economies (Chabal & Daloz, 1999, p. 1). However, there is a need to engage with this phenomenon as it pertains to the regulation of private security in situations described above. As we highlighted previously, one of the ways in which to conceptually engage with the reality of “simultaneous authority” is to employ the concept of hybridity. This framing leads one to a very different normative endpoint, one in which focus is shifted from a concern with analytically distinct entities to one which focusses on the networks of actors and relationships which intersect in the production of

different outcomes. The most desirable of these outcomes remains deceptively simple to articulate: that security in all its manifestations – regardless of who provides it – should be effective, accountable, and orientated *for* the public good or at least align *with* the public good. The way forward in terms of achieving this in contexts where hybridity is the norm, and where the state cannot or perhaps should not be the primary regulator, remains open to debate. Some have suggested that those involved in providing security could be regulated or held accountable through a hybridisation of civil society and transnational institutions (Dupont, Grabosky, & Shearing, 2003). This would essentially constitute a system of state-like, “public” regulation but provided by other (non-state) entities. In this way, the state is not normatively favoured, and regulation is potentially shifted to entities without a vested interest. But of course there is also the danger that these entities, too, exhibit shadow state-like qualities where they “draw authority from their ability to control markets and resources rather than territory or coercive agents” (Hills, 2000, p. 165). This is especially true in contexts where, as mentioned, personal contacts with the state are imperative – this is particularly true for businesses, as Hönke (2013) articulates, but it holds for other entities as well.

In light of this, a way in which the regulation of private security could be conceived in hybrid situations is to tie it into a complex networked system where political accountability (which is held up as the normative ideal) is intertwined with public accountability, market accountability, and incentivised self-regulation, for instance. By implication, this means that the positive effects of one system may mitigate the negative effects of another system. In other words, rather than relying on one system of political accountability, within a hierarchical system of regulation (such as accountability to a public regulator through licencing and so forth), a hybrid system of accountability could be an option. In the words of Braithwaite (2006, p. 39): “The biggest problem with hierarchical accountability is that it is hierarchical.” It ties too much into one system of regulation and does not factor into account the hybridity of relations between entities and individuals. In other words, by holding public regulation or political accountability as the normative ideal, state-centric notions of democratic accountability prevail, leading scholars to call for a bigger role for government, which may not be appropriate.

How does one develop a hybrid system of regulation? In line with the suggestion of hybridity scholars, an empirical approach is vital to understanding how regulation works in hybrid systems of governance (Albrecht & Moe, 2015). It is also to engage with the reality of the competing incentives or motivations that currently drive or govern the industry in various contexts and to identify those incentives that may align it to a public good. For instance, in the context of hybridity, could security companies be motivated by public opinion or sentiments, corporate social responsibility, personal morality, or perhaps desires for legitimacy? Are there innovative regulatory tools that could be used to drive these incentives towards a public good – perhaps the use of rating agencies or other systems of public accountability that does not rely on public regulation? The fact remains that there is a need to adopt analytical tools to be able to engage with shifting forms and applications of regulation, particularly in light of bottom-up developments and the hybridity of practices being employed. There is also a need for more engagement with the nature of regulatory deficits, without making normative or analytical assumptions about how regulation happens or should happen. It is also to acknowledge that, in light of rapid advances in governance systems and the continued blurring of authorities, regulation cannot be understood in isolation of its functioning within hybrid systems of governance. In other words, scholars need to avoid the tendency to investigate the regulation of entities in isolation of their involvement in systems of power and codependency.

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