



Centre for Democracy and Development

PRIVATE MILITARY / SECURITY COMPANIES, PRIVATISATION OF VIOLENCE AND NATIONAL SECURITY: IMPLICATIONS FOR DEMOCRATIC GOVERNANCE IN NIGERIA

Working Paper 2014



CHRIS M. A. KWAJA

**PRIVATE MILITARY/ SECURITY COMPANIES,
PRIVATISATION OF VIOLENCE AND NATIONAL
SECURITY: IMPLICATIONS FOR DEMOCRATIC
GOVERNANCE IN NIGERIA.**



CHRIS M. A. KWAJA

© Centre for Democracy & Development

House 16, A7 Street,
CITEC Estate, Jabi/Airport Road,
FCT- Abuja,
Nigeria

All rights reserved. No whole or part of this publication should be copied, transferred in a storage device or disc, sold, photocopied, recorded or otherwise, or used for public and/or commercial purposes without the prior permission of the author and/or publisher.

Published by visart publishing

No.10 Gofwen Close, Tudun Wada Ring Road,
Jos, Plateau State
08069541672, 08037042207, 08083837664
visartpublishing@gmail.com

First published 2014

ISBN: 978-978-52505-7-2

CONTENTS

4	List of acronyms
5	Abstract
5	Keywords
6	Introduction
8	Private Military/ Security Companies: who are they and where are they coming from?
14	Are there legal frameworks for the regulation of PMSCs in Nigeria?
16	PMSCs in the context of national security and implications for democratic governance in Nigeria
22	PMSCs and the prospect for democratic governance in Nigeria
24	Concluding remarks
25	Notes
26	References

ACRONYMS

PSCs	Private Security Companies
PMSCs	Private Military Security Companies
NGOs	Non Governmental Organisations
OECD-DAC	The Organisation for Economic Co-operation and Development - Development Assistance Committee
NNSP	Nigeria's National Security Policy
ICISS	International Commission on Intervention and State Sovereignty
ICG	International Crisis Group
NSCDC	Nigeria Security and Civil Defence Corps
MPRI	Military Professional Resources Incorporated
USD	United States Dollar
US	United States
DRC	Democratic Republic of Congo
SSR	Security Sector Reforms
CAC	Corporate Affairs Commission
SALW	Small Arms and Light Weapons
CDD	Centre for Democracy and Development
DCAF	Democratic Control of Armed Forces (<i>Geneva Centre</i>)

...Private Security Companies exist everywhere, but recent trends show that their use has increased, especially in conflict regions, where businesses feel a need for more protection than the state can provide (DCAF, 2003:71)

Abstract

Contemporary discourse on the state and security has shifted from the traditional assumption that security is a public good that is an exclusive preserve of the state to provide, to one that is currently witnessing the gradual withdrawal of the state from the provision of security and above all, a wholesome privatization of security provisioning. Conditioned on this fact, this paper examines the relationship between Private Military/ Security Companies (PMSCs) and national security, and the implications of such relationship for democratic governance in Nigeria. The central argument of this paper is that the inability of the Nigerian state to retain its core functions and to act effectively as a guarantor of security will weaken its bargaining strength in relations to the PMSCs as it relates to governance of the security sector. It further argues that as PMSCs grow, the role of the state in the provision of security becomes more and more obscure. This is premised on the core assumption that the increasing growth and dominance of PMSCs in Nigeria is symptomatic of the fragility of state institutions, largely due to lack of political will on the part of the state as well as the secrecy that characterise the activities of these PMSCs, which is contrary to the core principles of democratic governance.

Keywords

- **Nigeria**
- **Private Military and Security Companies**
- **Security**
- **National Security**
- **Democratic Governance**

Introduction:

The Nigerian state is increasingly withdrawing from the provision of security to the people under the guise of the neo-liberal economic model that emphasis privatisation, commercialisation, outsourcing of public goods and services (Pratten, 2008:1). To a large extent, as a result of its lack of capacity to provide physical protection for the people, which have accentuated endemic insecurity and violence particularly in the Niger Delta Region, we are currently witnessing the emergence and greater role of foreign Private Military and Security Companies (PMSCs) as dominant actors in the security sector. The long years of violent conflict, political instability and authoritarian rule, coupled with the increasing withdrawal of the state from the provision of security for over two decades has no doubt provided a huge market for these PMSCs, whose emergence is described as a consequence of the privatization movement (Verkuil, 2007:2). The emergence and activities of PMSCs in Nigeria and in other parts of the world no doubt reflects a global trend in which non-core security functions or responsibilities of the state are sub-contracted to the private sector (Isima, 2007:1).

PMSCs according to Jager & Kummel (2007), Alexandra et.al (2008), Gillard (2008), Caparini (2008), Zedeck (2008), and Baker & Gumedze (2008), are highly visible and thriving in their businesses of providing guarding services for homes, markets, places of religious worship, embassies, banks, transnational companies, consultancy services in the area of risk analysis as well as military training for state military and police as part of efforts aimed at 'professionalising' them (Abrahamsen and Williams, 2005a:3). In deed, there is no doubt that the increasing withdrawal of the state from the provision of security has created a huge vacuum and market for the PMSCs to fill as well as engage in all forms of profit making ventures in the name of helping in creating law and order through the provision of security services to public institutions, corporate entities and individuals in general.

Current estimates put the number of PMSCs in Nigeria at over 2,000 with an employee capacity of over 100,000 (Abrahamsen & Williams, 2005a:3; Maiyegun, 2009:3). This is not just because of a growing demand for their services, but increasingly, they see and present themselves as professional and effective providers of military and security services (Schulz & Yeung, 2008:iv). Thus, as corporate entities in the security sector, the activities of PMSCs should be viewed from the perspective of organizations that are driven by profit motives and clientele relationships. As such, their dominance in the security sector, as a result of the marketisation of security provisioning, poses serious challenges of democratic governance for both the state and its citizens who are at the receiving end in terms of the actions and inactions of these PMSCs.

In the light of the problem highlighted above; what factors account for the proliferation of PMSCs in Nigeria? To what extent do the activities of PMSCs threaten or guarantee the national security of Nigeria within the context of democratic governance? Are there laws regulating the emergence and activities of PMSCs in Nigeria? What are the implications of the activities of PMSCs on democratic governance in Nigeria? How can Nigeria within the context of democratic governance, regulate and control the activities of PMSCs in the security sector?

The main concern of this paper is to examine the relationship between PMSCs and national security in terms of how it impacts on democratic governance in Nigeria. It paper reviews relevant literatures as they relate to the emergence and dominance of PMSCs in Nigeria, as well as identifies and analyses the gaps in the literature. Furthermore, the paper examines the legal frameworks established under the Nigerian law for the regulation of PMSCs, and assesses its implications for democratic governance. Above all, the paper makes some policy recommendations in terms of PMSCs and the prospect for democratic governance in Nigeria.

Private Military/ Security Companies: Who are they and where are they coming from?

The post cold war era ushered in the liberalisation as well as the proliferation of PMSCs in global scale. PMSCs are profit-driven organisations trading in professional service that are linked to internal security and protection as they relate to crime prevention, public order management, security provision as well as domestic private guards services (Simelane, 2007:156). According to Schulz and Yeung (2006:2), PMSCs are companies that specialise in providing security and protection for personnel and property, including humanitarian and industrial assets. Such services that can be armed are both defensive and offensive in nature, depending on the circumstances within which they are contracted; and they cater for a large group of customers including governments, international agencies, Non-Governmental Organisations (NGOs) and commercial organisations. Ndlovu-Gatsheni and Dzinea (2008:88) conceived of PMSC as entities that provide passive security for private and public facilities and operation in high-risk conflict zones. They generally guard resource mines and embassies, provide protection for personnel conducting humanitarian operations, and train indigenous security personnel.

The Organisation for Economic Co-operation and Development -Development Assistance Committee (OECD-DAC, 2007:11) considers PMSCs as those commercial companies directly providing protective military or security-related services for profit, whether domestically or internationally. This conceptualization recognizes both the military and non-military components of the services rendered by PMSCs. The existing literature on the privatization of security to a large extent makes a distinction between Private Military Security Companies (PMSc) and Private Security Companies (PSCs), in the light of the kind of services they provide.

While the PSCs are involved in the provision of services such as physical protection and close protection, rapid response, technical security, surveillance and investigative services, risk assessment and mitigation services for private businesses, business intelligence and political risk analysis; the PMCs on their part are involved in military training and consultancy for national and foreign troops, military intelligence, arms procurement, combat and operational support, humanitarian de-mining, maintenance, military and non-military support services as well as all other services that have been outsourced from the military respectively. The reality of the situation in Nigeria is that the country currently hosts these two categories of companies that are involved in both military and security services currently hosts companies that are involved in both the provision of military and security services.

Gumedze (2009:6) defined PMSCs as entities which provides on a compensatory basis military and/or security services, including investigation services by physical persons and/or legal entities. He made a clear distinction between military and security services to the effect that such military services include; strategic planning, intelligence, investigation, land, sea or air reconnaissance, flight operation of any type, manned or unmanned satellite surveillance, military training and logistics, technical support to armed forces and other related activities. The security services include; armed guarding or protection of buildings, installations, property and people, police training, material and technical support to police forces, elaboration and implementation of formal security measures and other related services. In view of the thin line that separates these two services, Gumedze's categorization is quite relevant in the sense that it provides a concrete tool for understanding the nature and extent of their engagement by states and other entities that engage PMSCs. In Nigeria, while majority of the military related activities are mostly handled by foreign companies, the security related ones are handled by the indigenous companies largely due to lack of expertise and financial capacities.

Within the context of the capacity of the state to provide security for its citizens, the increasing role and dominance of PMSCs in the security sector has serious implications for national security, which need to be examined critically. Exploring this linkage will facilitate the appreciation of its implications for democratic governance in Nigeria. National security is a pillar of a national interest, which has to do with the ability for the state to both protect and promote the individual and collective security and welfare of its citizens (Umar, 2000:44). It is also concerned with national sovereignty, territorial security and self determination (Katsina, 008:22). All these are encapsulated under what is known as Nigeria's National Security Policy (NNSP). According to Ukpabi (1986:154), the main objectives of the NNSP include;

- i. Self preservation or survival of the Nigerian state;
- ii. Continued existence in the absence of external threats to its core values and interests;
- iii. Prosperity and economic well-being;
- iv. Good international image and prestige;
- v. Protection of the nation's strategic resources as well as its investments at home and abroad;
- vi. Protection and promotion of national ideology;
- vii. Peace, which implies the absence of the use of armed force in conflicts over interests or a state of affair from which armed conflict is absent;
- viii. The use of power to influence the thoughts, feelings and actions of others in international relations;
- ix. Favorable political and economic situation in contagious countries, that can best serve Nigeria's interest.

In the light of the above, the increasing withdrawal of the state from the provision of security in line with the National Security Policy has resulted in a vacuum which is being filled by an array of military and security companies in Nigeria and other countries where PMSCs currently

operate (Ebo, 2007:58). Notwithstanding the fact that the provision of security, which has to do with the capacity of the state to provide for the physical and psychological needs and livelihood of its citizens (Gambo, 2004:33), has long been seen as a responsibility that only the state can perform. In terms of the obligatory responsibility of the state, the report of the International Commission on Intervention and State Sovereignty (ICISS, 2001:13) states that; the concept of sovereignty imposes a security obligation on the state in the sense that:

“State authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare.”¹

The responsibility of the state to provide physical security for its citizens is also contained in the constitution of Nigeria, which states that the provision of security is the primary responsibility of the state¹. Ochoche (1997:22) captures the core concern of security as “involving the building of stable, orderly, and developed society in which basic needs, social justice and political relevance in terms of right to participate in the affairs of the society are accorded utmost consideration”. The above point was corroborated by Luard (1988:83) who noted that:

The foundation of security is built on government’s policies aimed substantially at reducing sources of deprivation, social discontent, inequities and neglect. No government in the face of widespread discontent, resignation and despairs can retain power whatever the balance of military forces may be thereby drifting the society into a state of anarchy and consequent self destruction.

The point raised by Luard sums up clearly the realities of the Nigeria situation, as it relates to systematic violence across ethno-regional and religious lines, armed resistance as a result of perceived inequity and fairness in the allocation of societal resources, state sponsored killing of a large number of the population as experienced in Odi and Zaki-Biam

and high levels of crime. All these have become so deeply entrenched in the body politic that the people now resort to self-help through the use of PMSCs and other informal providers of security such as watchmen, community vigilante groups, e.t.c., for protection rather than rely on the state.

There is the danger that the Nigerian state will grow weaker as the PMSCs grow in both size and strength, in the midst of growing insecurity. This is against the backdrop of the fact that their presence creates a deceptive image of security, which distorts proper assessment of security needs (Holmqvist, 2005:12). In all, the uneven distribution of security among the population raises grave concern too in view of the fact that rural populations are almost outside the realm of the operations of PMSCs which are only found in the urban centers and the Niger Delta region. Above all, the lack of transparency, accountability and democratic oversight on the activities of these organizations have inevitably led to a decreased perception of legitimacy on the part of the populations that are grappling with a high rate of insecurity. As Tyoden (2003:173) rightly observed:

The most glaring manifestations of the state of insecurity in the country include an increase in crime rate; the emergence and spread of politically motivated violence and assassinations; increased importation of arms and ammunition; an upsurge in ethnic, communal and religious conflicts; proliferation of ethnic and sectional militias; and the deteriorating standard of living of the people.

The manifestation of the crisis of governance, which is attributed to the absence of transparency, accountability, participation and the rule of law are all responsible for the spate of insecurity in Nigeria. This is also visible in the police as an institution that is constitutionally charged with the responsibility for the maintenance and securing of public

safety and public order. The police are unable to live up to expectations as a result of the fact that they have remained under-funded, under-trained, under-equipped, ill-motivated and highly corrupt. This has grave consequences for the democratic governance of the security sector in Nigeria, particularly as it relates to the crisis of capacity currently faced by the Nigerian state and its institutions, which makes enforcement a problematic despite the series of policy initiatives put in place by the state in the area of a new defence policy, constitutional and security sector reforms respectively. Nevertheless, as Obama (2006) rightly observed;

“if the people can not trust their government to do the job for which it exists, to protect them and to promote their common welfare, all else is lost”.

Singer (2008) did not make any distinction between military and security companies in his analysis, in view of the thin line that separates them. Thus, his exposition on the rise of privatized military industry sees them as corporate bodies that specialize in the provision of military skills, including combat operations, strategic planning, intelligence, risk assessment, operational support, training and technical skills. He argued that by virtue of their activities, they break down state monopoly over the control of the instrument of force, which would no doubt change many of the rules of international politics and warfare.

In his analysis of private actors and the governance of the security sector in West Africa, Ebo (2008:144) also buttressed the point made by Singer to the fact that the state has never had a monopoly of the legitimate use of force, in view of the history of dichotomized regimes of formal and informal economies. Ebo’s argument stems from the fact that the security sector can not be isolated as an exclusive preserve of the state. Thus, it also manifests the formal and informal tracks. While the formal

security sector has been active in the protection of the state and its institutions, large sections of the population and other corporate entities rely heavily on the informal security sector – PMSCs, community vigilante groups, militias and hired watchmen – for physical security and protection of their properties against armed robbers, and by extension, threats posed by statutory institutions.

Katsina, (2008) has argued in the light of both internal and external threats to Nigeria’s national security to the effect that the absence of political will by the state, for the effective implementation of the country’s national security policy over the years has made both the state and its citizens to be vulnerable. This is quite true as a result of the gross violation of national, sub-regional and other international legal frameworks by PMSCs as it relates to the illicit importation of small arms by Multi-national oil Companies in the Niger Delta region under the guise of providing security for their personnel and facilities (ICG, 2006:7). Adesola (2009: 15) identified some other threats to Nigeria national security to include the rise of private armies. Porous borders, unemployment, leadership crisis, as well as ethnic and religious fanaticism/ fundamentalism are some of the major factors responsible for the increased proliferation of PMSCs.

Are there legal frameworks for the regulation of PMSCs in Nigeria?

The Nigeria Security and Civil Defence Corps (NSCDC), has the mandate to oversee and regulate the activities of PMSCs through the Nigeria Security and Civil Defence Corps Act, 2003, amended in 2007 as the Nigeria Security and Civil Defence Corps Act. Section 3(1), (b), (c) of the Act states that the NSCDC should:

-
- i. Recommend to the Minister of Internal Affairs the registration of Private Guard Companies;
 - ii. From time to time, inspect the premises of Private Guard Companies, their training facilities and approve same if it is up to standard;
 - iii. Supervise and monitor the activities of all Private Guard Companies and keep a register for that purpose. Periodically organize workshops and training courses for them, and seal up any Private Guard Company which operates without valid license.

The Private Guards Companies Act (CAP 367), Laws of the Federation of Nigeria, 1990, amended as the Private Guards Companies Act, Chapter P30, Laws of the Federation of Nigeria, 2004, spells out the criteria for the licensing, control and administration, prohibited activities, offences and penalties for Private Guard Companies. It is also clear on the fact that the PMSCs are not allowed to use firearms or ammunition in their operations, and their training syllabus and instruction notes must be screened and approved by the Minister of Internal Affairs.

While the law governing the conduct of PMSCs is clear and to a large extent being implemented when dealing with the registration of indigenous or local security companies, there is no clear cut framework for the regulation of the activities of foreign PMSCs that are currently involved in the provision of military and security services in the country, particularly in the Niger Delta region as well as the Ministry of Defence. In an ideal situation, all foreign PMSCs are supposed to be registered with the National Planning Commission. The arrival of these foreign PMSCs is seen by many of the local or indigenous PMSCs as an infiltration, threat to national security as well as a contravention of the Private Guards Companies Act, which stipulates that all PMSCs must be completely owned by Nigerians (Abrahamsen & Williams, 2005:9-10).

PMSCs in the context of national security and Implications for democratic governance in Nigeria

The development and preponderance of PMSCs within the context of national security concerns, has serious implications for democratic governance in Nigeria, especially in terms of the inability of the Nigerian state to provide physical security for its citizens. This security function of the Nigerian state has been privatized because the state has shown lack of capacity to perform this role due to its changing competence that is attributed to the growth of privatization and downsizing of military and police establishments, which threatens both human and national security (Dufflied, 2006:66).

A state of vulnerability has thus been created in Nigeria as a result of the withdrawal of the state from the provision of security under the guise of liberalization, which poses a grave threat to the security of the people and the state in general. The vacuum created by the withdrawal of the state from the provision of security and the proliferation of PMSCs in the security sector, is gradually eroding state power and becoming a major impediment to institution building in view of the secrecy and absence of oversight that characterize their operations (Hansen, 2008: 585).

It is evident that the Nigerian state is unable to enforce law and order, thereby allowing PMSCs to play a fundamental role in the provision of military and security services, thereby making them dominant actors in the security sector particularly in the military as an institution on one hand, and the Niger Delta region on another hand. Ball and Fayemi (2004:27) attributed this phenomenon to the rise of armed conflicts,

ineffective state security organizations, and the growth of crime, which has also been attributed to the fragility of the institutional framework for security. All these factors have no doubt made the state's response to insecurity suspect (Ibeanu and Momoh, 2008:7). The emergence of PMSCs in Nigeria no doubt, seeks to challenge the dominance of the state as the sole provider of security for the people since security provisioning is now being seen from a multi-actor perspective, rather than the traditional state-centric notion of security and its delivery, which has over the years being confined to the state and its institutions. According to Akpuru-Aja, (2003:3), one year after his election as President of Nigeria, Olusegun Obasanjo was reported to have signed a contract with the United States of America for military assistance in the following areas;

- i. To train and re-train the Nigerian military force;
- ii. To protect the nascent democracy against military incursion;
- iii. To provide patrol vessels for the Nigerian Navy to police the oil producing areas as well as protect installations in the Niger Delta region;
- iv. Train and re-train the military for peacekeeping operations

The US based PMSC, Military Professional Resources Incorporated (MPRI) was also contracted to conduct an audit with the aim of professionalizing the Nigerian military to the tune of \$8 million (USD) (Aning, et.al, 2008: 618; Singer, 2008:57), an exercise no serious minded state particularly in the advanced states of Europe and North America can outsource to foreign contractors, appreciating the fact that the activities of these companies are always shrouded in secrecy, which threatens the country's sovereignty and territorial integrity. MPRI was fully incorporated into the activities of the military in the Defence Headquarters, where it had an office as well as support staff (Kayode, 2003:74). Stiff opposition from the military hierarchy led by the former Chief of Army Staff, General Victor Malu, against MPRI's unrestricted access to Nigeria's military and security information led to his

premature retirement from the Nigerian Army by the Olusegun Obasanjo regime (Musah, 2009: 931). The fact that the Nigerian military have a rich history of peacekeeping in several countries of the world far more than the US military was not taken into consideration by the political leadership.

Current analysis on the phenomenon of PMSCs reveals that they are a double-edged sword with the twin capacity to either enhance or weaken the process of institution building and democratic governance in particular in Nigeria. On one hand, they might act as agents of foreign interests to undermine national security in view of the lack of accountability and transparency that characterizes their activities. On another hand, they can be beneficial to weak states that lack the capacity to build and defend their territories and institutions, and provide physical protection for their citizens as evident in roles played by Dyncorp in Dafur and Liberia, as well as the contract between the Nigerian government and the MPRI (Fayemi, 2003:74; Small, 2006:25; Aning et.al, 2008: 624; Hansen, 2008:586).

Despite the enthronement of democratic governance after years of authoritarian rule in Nigeria since 1999, the people are still overwhelmingly denied the basic public goods of physical security and welfare. This is largely due to the existence of fragile and weak state institutions that are fast being eroded, as well as the role of leaders that benefit from the uncontrolled activities and impunity that characterizes the activities of PMSCs. An instance is the case of the Halliburton scandal where it was reported that some Nigerian elites were bribed by a US based PMSC, Halliburton, to the tune of \$180 million (USD) as a precondition for securing a contract in Nigeria. This informed the recent call by US President Barack Obama that Africans need strong institutions rather than strong men².

Transnational firms in Nigeria's extractive industry are often likely to stay in volatile areas such as Shell in Nigeria's Niger Delta region, if that is

where the resources are. Thus, unable to rely on the weak Nigerian state for security and unwilling to leave, they increasingly rely on PMSCs for the protection of their personnel and property (Avant, 2001:37). Indeed, the US military involvement in Nigeria's Niger Delta through PMSCs of US origin will increase as long as the US energy security policy relies on increased importation of oil and gas from Nigeria (Lubeck et.al, 2007: 20). To further bolster this point, a report of the International Crisis Group (ICG, 2006:7), revealed that Shell Petroleum Development Company was, several years ago, involved in the importation of arms for its police guards, as well as providing for their security personnel the same uniform as that of the Nigerian police, in order to protect its staff and installations. Some of the oil companies operating in the Niger Delta also bypass the government and engage in discreet payments to militant leaders in return for surveillance and protection of pipelines, and other infrastructure. This practice has fueled conflict through stiff competition for contracts as a source of income for groups with violent agendas (ICG, 2006:i). Despite the presence of the Joint Task Force (JTF) led by the Nigerian military in the Niger Delta, some of the oil companies engage in illicit activities, which show some level of complicity between the oil companies and militant groups in the region.

As Zabadi (2005:123) rightly observed about the menace posed by the informal security sector, particularly the militias in the Niger Delta region;

The activities of civil militias and PMSCs also constitute a usurpation of the role of government law enforcement agents. While the government is constitutionally given the monopoly of the legitimate use of force, the use of arms by militias and PMSCs delegitimises the rule of law and thus undermine peace and internal security... They create insecurity rather than their purported objective of providing security and they erode public confidence in government and its institutions.

Regardless of the role played by PMSCs in the protecting lives and property, these roles have the capacity to undermine the human and in particular, national security of the Nigerian state as long as the fundamental principles of accountability, transparency and popular participation are not respected (Ebo, 2008:144; Zabadi, 2005:119). The consequence of this is that the Nigerian government exercises little or no control over foreign PMSCs contracted by multi-national oil firms in the Niger Delta region. In fact, while the activities of the indigenous companies involved in the provision of security and protection of property has minimal consequences, the foreign military and security companies are more involved in wholesome maximization of profits as well as protecting the strategic interest of super powers such as the US, which has huge interest in Nigeria's oil reserve (Lubeck et.al, 2007:19).

From the foregoing, it is clear that the fragility of the state makes it possible for the expanding scope of liberalization, which has given rise to the emergence of PMSCs, to encroach upon core security functions of the state (Isima, 2007:1), which poses a serious strategic danger both for the security of the state and for its citizens on a global scale. This encroachment, further questions the stateness of the state in terms of its ability to maintain its core responsibility of providing security for its people in line with the provisions of the constitution. This is quite evident in the light of the contest between the state and the militants in the Niger Delta region, whereby the state is being forced to negotiate with them about core security issues in the region for the free exploitation of oil, which accounts for over 95% of the nation's revenue. Given the reality of the situation, it is in the over all interest of the state to ensure security in the Niger Delta region as a precondition for uninterrupted supply of oil as well as the quest by the state to effectively control its territory in the midst of insurgency.

Apart from foreign PMSCs that are involved in the provision of military

and security services to the oil companies in the Niger Delta region such as WAC Global Services, Corporate Engagement Project, Triple Canopy, Control Risk, Erinys International, AmorGroup, Aiges Defence System and Northbridge Service Group (the successor to Executive Outcome), some militants are also involved in security provisioning in the region. For instance, Asari Dokubo was reported to have claimed that he was financially sustained by providing security to the Niger Delta Development Commission, a government owned institution. Some of the security companies owned by Dokubo include Boro Securities and Telecommunications, Sylvia Securities and Riverbend Security. His deputy, Alali Horsefall and other militant leaders owned Dukoaye Securities Services, Shad-Ro Services and IPPS respectively (ICG, 2006:10-11). In view of the fact that the Nigerian law sanctions the operations of foreign military and security companies, some of these foreign PMSCs engage in some form of partnership with local security companies, by claiming to be providing advisory services, an act that contravenes the provisions of the Private Guards Company Act of 1986.³

It is an established fact that foreign PMSCs such as Northbridge Service Group, which was formerly called Executive Outcome, has a terrible history with respect to its activities in countries such as Angola and Sierra Leone where it was involved in mercenary activity (Ginifer & Peimani, 2005:256). It is presently involved in the provision of counter-insurgency and counter-terrorism services, personnel security and anti-piracy activities in Nigeria (Ibekwe, 2009:1). By allowing companies like this to operate in Nigeria, the government has jeopardized its ability and capacity to control and regulate the activities of foreign 'mercenaries' like Northbridge Service, which has serious implications for its national security in view of how mercenarism has contributed to undermining peace and security in other African countries such as the Democratic Republic of Congo (DRC), Sierra Leone and Angola (Baker and Gumedze, 2008:1). This reinforces the argument that PMSCs enhance the dissembling and

weakening of state institutions in favor of economic powers and companies, as well as undermine the national economy, thereby impairing the state's ability to deliver basic services to the populace (Musah, 2000:92; Klare,2004:117).

Consequent upon the existence of a national security policy for Nigeria, some of the most potent security threats from within the nation such as hunger and deprivation, poverty, rising inequality, mass unemployment, criminality in the Niger Delta region, poor infrastructure as well as ethnic and religious intolerance are largely due to the failure of the state to provide security for the people. This has no doubt created a huge vacuum that is increasingly being filled by PMSCs that are seen as alternative source of security and welfare for the people in the security calculus.

PMSCs and the prospect for democratic governance in Nigeria

Notwithstanding the increasing prominence and dominance of PMSCs in the security sector, in order to consolidate its hold as the primary guarantor and regulator of the instrument of force in the society, the state must commit itself to the development of some policy measures that affect all non-state actors (such as PMSCs), in the security sector, in line with democratic governance principles.

- i. In view of the absence of accountability and transparency that characterize the activities of PSCs, effective regulatory frameworks should be designed, similar to what is obtainable for indigenous Private Security Companies (PSCs). In this regard, the Federal Government should establish the National Foreign Military and Security Assistance Regulations Act to deal with the activities of

PMSCs in Nigeria, with a licensing and authorisation procedure, which should be renewed yearly. Some of the agencies that should be charged with the powers to monitor and authorise these PMSCs include, the National Planning Commission, Ministry of Justice, Office of the Director General of the State Security Services, Senate Committee on Defence and National Security respectively;

- ii. Since much of Security Sector Reform (SSR) programming does not recognize PMSCs as part of the security sector over the years, the dominance of PMSCs in the provision of security services is a pointer to the fact that for an effective and successful SSR, it must be comprehensive and holistic to include PMSCs in the framework of security sector governance;
- iii. Parliamentary oversight of the security sector in line with the national security and defence policy of Nigeria should not only be confined to state security institutions. The parliament should also scrutinize the activities of PMSCs from the signing of contract to the completion of the activity, so as to ensure they operate in accordance with laid down principles of law.
- iv. The Nigerian state should overhaul the institutions such as the NSCDC and CAC, which are saddled with the responsibility of registering and monitoring the activities of PMSCs, so as to ensure strict adherence to laws guiding their activities.
- v. In view of the secrecy that characterize the activities of PMSCs, which is contrary to democratic principles, the government should ensure that a procurement policy should be developed to allow for an open tender as a precondition for selecting PMSCs in the spirit of openness, transparency and participation;

-
- vi. As a way of tracking the flow of Small Arms and Light Weapons (SALW) into the country, stiff sanctions should be placed on oil companies and PMSCs that engage in the importation of arms. This is supposed to be an exclusive responsibility of the Nigerian state, which is the only institution that has the monopoly over the control of the instrument of coercion.

 - vii. Relevant steps should be taken by the Federal Government of Nigeria to ensure that oil companies do not engage in acts of impersonation, whereby their security personnel are kitted with the same uniform as the Nigerian police. By such acts of subversion, they constitute a law unto themselves, which poses grave danger for the national security of the Nigerian state.

Concluding remarks

Conditioned by the fact that PMSCs are driven by profit maximization in the discharge of their professional services in Nigeria, there is no doubt that they play an important role in the provision of military and security services, only if they are properly monitored to ensure that they operate in accordance with laid down rules and regulations. These roles are better appreciated when they do not endanger the national security of the state. Nevertheless, the state is under obligation to ensure the provision of security for its citizens, a responsibility that it must perform as long as it derives its legitimacy and mandate to govern from the people through a process that is in line with democratic principles.

In the final analysis, the national security architecture of the Nigerian state are fundamentally flawed and undermined by the illicit activities of some PMSCs that engage in gross violation of human rights in the

country (is it the architecture that is flawed or is the operation?). This is particularly so in the Niger Delta region, in connivance with elites that benefit from such subversive acts that are characterized by impunity as well as the secrecy of contracts between the government and PMSCs. The state has remained indifferent to regulating the activities of PMSC largely due to lack of political will and irresponsible governance. If the Nigerian state cannot define and pursue a realistic national security policy in the light of the kind of partnership it enters into with foreign PMSCs, its legitimacy in terms of its relations with the citizens remains suspect.

Notes

1. See the 1999 Constitution of the Federal Republic of Nigeria. A Broad Spectrum of the Nigerian population are currently agitating for a review or reform of the country's constitution in view of the fact that it does not in any way represent the over all wishes and aspirations of the people. The constitution was promulgated into law under authoritarian military rule, in which the process of its formulation was done with no input from the people.
2. See Obama's speech at the Ghanaian Parliament on 11th July, 2009. Obama was emphatic in his call for Africa and Africans to take a bold step in reversing the crisis of leadership and governance that has inhibited good governance and development in the continent. As far as he was concerned, this can be achieved through a deliberate policy of rebuilding state and institutional capacity of African states.
3. XCROC (2009) The Mercenaries Take over in the Niger Delta. Available at <http://crossedcrocodiles.wordpress.com/2009/02/24/the-mercenaries-take-over-in-the-niger-delta>. accessed 14th August, 2009.

References

- Abrahamsen, R. & Williams, C. M. (2005a) The Globalisation of Private Security, Country Report: Nigeria, available at <http://users.aber.ac.uk/rbh/privatesecurity/country%20report-nigeria.pdf>
- Abrahamsen, R. & Williams, C. M. (2005b) The Globalisation of Private Security, in Chatham House, The Globalisation of Security, ISP/NSC Briefing Paper 05/02, October.
- Abrahamsen, R. & Williams, C. M. (2009) "Security Beyond the State: Global Security Assemblages in International Politics", *International Political Sociology*, Vol.3.
- Adesola, F. (2009) National Security in Nigeria's Relations with its Neighbours, Unpublished Ph.D Thesis Submitted to the Department of International Relations, Faculty of Administration, Obafemi Owolowo University, Ile-Ife, Nigeria.
- Akpuru-Aja, A. (2003) The State and the Military: Perspectives on Nigeria-US Military Cooperation, *Strategic Analysis: A Monthly Journal of the IDSA*, London, Vol.XXVII, No.2, April-June.
- Alexandra, A. et.al (ed) (2008) *Private Military and Security Companies: Ethics, Policies and Civil Military Relations*, London: Routledge.
- Avant, D. D. (2001) *The Market for Force: The Consequences of Privatisation of Security*, New York: Cambridge University Press.
- Aning, K. et.al (2008) The Role of the Private Military Companies in US-Africa Policy, *Review of African Political Economy*, Vol.35, No.118 pg.613-628.

Baker, P. D. & Gumedze, S. (2008) Private Military/Security Companies and Human Security in Africa, Institute for Security Studies: African Security Review, Vol.16, No.4.

Ball, N. and Fayemi, K. (eds). (2004) Security Sector Governance in Africa: A Handbook, Lagos: Centre for Democracy and Development (CDD).

Caparini, M. (2008) Regulating Private Military and Security Companies: the US Approach, in Alexandra, A. et.al (ed) Private Military and Security Companies: Ethics, Policies and Civil Military Relations, London: Routledge.

DCAF (2003) Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices, Handbook for the Parliamentarians, Geneva, Geneva Centre for the Democratic Control of the Armed Forces, No.5.

Duffield, M. (2006) Global Governance and the New Wars: The Merging of Development and Security, London: Zed Books Limited.

Ebo, A. (2008) Private Actors and the Governance of Security in West Africa, in Alenxandra, A. et.al (ed) Private Military and Security Companies: Ethics, Policies and Civil Military Relations, London: Routledge.

Fayemi, J. K. (2003) Governing the Security Sector in a Democratising Polity: Nigeria, in Cawthra, G & Luckham, R (ed) Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies, London: Zed Books.

Gambo, N. A. (2004) "Oil and National Security: The Case of the Niger Delta Region", Unpublished Ph.D Thesis, Submitted to the Department of Political Science, University of Jos, Jos, Nigeria.

Gillard, E. C. (2008) *Private Military/Security Companies: The Status of their Staff and their Obligations under International Humanitarian Law and the Responsibilities of States in Relation to their Operations*, in Alenxandra, A. et.al (ed) *Private Military and Security Companies: Ethics, Policies and Civil Military Relations*, London: Routlage.

Ginifer, J. & Peimani, H. (2005) *Civil Defence Forces and Post-Conflict Security Challenges: International Experiences and Implications for Africa*, in Francis, J.D (ed) *Civil Militia: Africa' Intractable Security Menace?* England: Ashgate Publishing Limited.

Gumedze, S. (2009) *Introduction to Privatisation of Security Phenomenon*, Paper Delivered at the 2009 CODESRIA Governance Institute on Private Security Companies and Democratic Governance in Africa, Dakar, Senegal.

Hansen, J. S. (2008) "Private Security and Local Politics in Somalia", *Review of African Political Economy*, No.118, 585-598

Holmqvist, C. (2005) "Private Security Companies: The Case for Regulation". Stockholm International Peace Research Institute (SIPRI), Policy Paper No.9.

Ibeanu, O. and Momoh, A. (2008) "State Responsiveness to Public Security Needs: The Politics of Security Decision-Making in Nigeria", Country Study, Conflict, Security and Development Group (CSDG), Papers, Number 14, June.

Ibekwe, N. (2009) 'The Mercenaries Take Over', available at http://www.234next.com/csp/cms/sites/Next/Home/5258469-146/The_mercenaries_take_over_.csp. accessed 14th August, 2009.

ICG (2006) 'The Swamps of Insurgency: Nigeria's Delta Unrest', International Crisis Group, Africa Report, No.115, August.

Isima, J. (2007) 'Regulating the Private Security Sector: An Imperative for Security Sector Governance in Africa', Journal of Security Sector Management, Vol.5, No1, May.

Jager, T. & Kummel, G. (2007) Private Military and Security Companies: Chances, Problems, Pitfalls and Prospects, Netherlands: Vs Verlag Fur Sozialwissenschaften.

Jarol, M. et.al (1995) Empirical Political Analysis: Research Methods in Political Science, London: Longman Publishers.

Kaplan, R. (2000) "The Coming Anarchy", in O'Meara, P. et.al (eds) Globalization and the Challenges of a New Century: A Critical Reader, USA: Indiana University Press.

Katsina, A. M. (2008) Nigeria's Defence Policy in the Fourth Republic: A Critical Analysis, Unpublished Ph.D Thesis Submitted to the Department of Political Science and Defence Studies, Faculty of Social Sciences, Nigerian Defence Academy (NDA), Kaduna.

Klare, T. M. (2004) The Deadly Connection: Para-Military Bands, Small Arms Diffusion, and State Failure, in Rotberg, I.R (ed) When State Fail: Causes and Consequences, New Jersey: Princeton University Press.

Luard, E. (1988) The Blunted Sword: The Erosion of Military Power in Modern World Politics, London: Touris & Co Ltd.

Lubeck, M. P. et.al (2007) Convergent Interests: U.S. Energy Security and the Security of Nigerian Democracy, International Policy Report, Washington, DC: Centre for International Policy

Maiyegun, O. (2009) Private Security Companies and the Benefits of an Autonomous Regulatory Authority: The Case for Nigeria, Paper Presented at the International Conference on The Role of Civilian Private Security and Community Safety, Abu Dahbi, United Arab Emirate (UAE), 14th -15th January.

Musah, A. (2000) A Country Under Siege: State Decay and Corporate Military Intervention in Sierra Leone, in Musa, A & Fayemi, J.K (ed) *Mercenaries: An African Security Dillema*, London: Pluto Press.

Musah, A. & Fayemi, K. (2000) *Mercenaries: An African Security Dilemma*, London: Pluto Press.

Musah, A. (2009) The Privatisation of Security, Arms Proliferation and the Process of State Collapse in Africa, *Development and Change*, Vol.33, Issue 5, Pg 911-933.

Ndlovu-Gatsheni, S. J. and Dzinea, A. G. (2008) One Man's Volunteer is Another Man's Mercenary? Mapping the Extent of Mercenarism and its Impact on Human Security in Africa, Pretoria: ISS Monograph Series, No 147, July.

Obama, H. B. (2006) "An Honest Government, A Hopeful Future", Address at the University of Nairobi, Kenya, 28th August. Available at www.obama.senate.gov/speech/060828_an_honest_gover.

O' Brien, C. (2008) The Dynamics of Private Security in Senegal, in Abrahamsen, R (eds) *Public/Private, Global/Local: The Changing Contours of Africa's Security Governance*, *Review of African Political Economy*, No. 118, Vol. 35, Pg.655-659.

Ochoche, S. (1997) "Changing Concept of International Peace and Security", in Garuba, C (ed) *International Peace and Security*, National War College, Abuja, Lagos: Gabumo Publishing Limited.

OECD DAC (2007) *Handbook on Security System Reform, Supporting Security and Justice*, Paris: OECD Publishing: Paris

Pratten, D. (2008) Introduction- The Politics of Protection: Perspectives on Vigilantism in Nigeria, Africa, Vol.78, No.1, Pg 1-13.

Schulz, S. & Yeung, C. (2008). "Private Military and Security Companies and Gender.", in Bastick, M & Valasek, K (eds) *Gender and Security Sector Reform Toolkit*. Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW.

Simelane, S. H. (2007) "The State, Security Dilemma, and the Development of the Private Security Sector in Swaziland", in Gumedze, S (ed) Private Security in Africa: Manifestation, Challenges and Regulation, ISS Monograph Series, No.139.

Small, M. (2006) Privatisation of Security and Military Functions in Africa, ACCORD Occasional Paper 1(2).

Singer, W. P. (2008) *Corporate Warriors: The Rise of the Privatised Military Industry*, London: Cornell University Press.

Steinhoff, U. (2008) What are Mercenaries?, in Alenxandra, A. et.al (ed) *Private Military and Security Companies: Ethics, Policies and Civil Military Relations*, London: Routledge.

Tyoden, S. G. (2003) "State and Security in Nigeria's Fourth Republic", in Gana, A.T et.al (ed) Democratic Rebirth in Nigeria 1999-2003, Abuja: African Centre for Democratic Governance (AFRIGOV).

Umar, M. K. (2000) Nigeria's Internal Security: Trends, Problems and Prospects, Kaduna: Defence Studies, Journal of the Nigerian Defence Academy (NDA), Vol.8, Pg 1-22.

Ukpabi, S. C. (1986) *Strands in Nigerian Military History*: Zaria: Gaskiya Corporation.

Verkuil, R. P. (2007) *Outsourcing Sovereignty: Why Privatisation of Government Functions Threatens Democracy and What can be done about it*, New York: Cambridge University Press.

Zabadi, I. (2005) *Civil Militias: Threats to National and Human Security in West Africa*, in Francis, D (ed) *Civil Militias: Africa's Intractable Security Menace?*, England: Ashgate Publishing Limited.

Zedeck, R. (2008) *Private Military/Security Companies, Human Security, and State Building in Africa*, Institute for Security Studies: *African Security Review*, Vol.16, No.4.

About the author

Chris Kwaja is currently the Director General, Research and Planning, Governor's Office, Jos, Plateau State. He is a lecturer and researcher at the Centre for Conflict Management and Peace Studies, University of Jos, Jos, Nigeria. He is also a Visiting Research Fellow at the Centre for Democracy and Development, (CDD). He is a Doctoral Candidate of International Relations and Strategic Studies at the Department of Political Science, University of Jos, Jos, Nigeria. In 2008, Kwaja was an exchange fellow of Dispute Resolution at the University of Massachusetts, United States. He is also a recipient of several research awards such as the CODESRIA Governance Institute on Private Military and Security Companies, 2009; United Nations Mandated University for Peace Doctoral Research Award, 2009; as well as the Peace Fellow Award of the West Africa Research Centre, 2010.

His research focuses on the politics of identity in Africa, the privatization of security, democratization, conflict and peace studies, and security sector reform in transition societies.



Centre for Democracy and Development

**House 16, A7 Street,
CITEC Estate, Jabi/Airport Road,
FCT- Abuja,
Nigeria**

ISBN 978 978 52505 7 2



9 789785 250572