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The Public Cost of Private Security in Afghanistan
Briefing Paper

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CENTER ON
INTERNATIONAL
COOPERATION

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The Center on International Cooperation (CIC) at New York University works to enhance international responses to humanitarian crises and global security threats through applied research and direct engagement with multilateral institutions and the wider policy community. It has an international reputation for agenda-setting work on post-conflict peacebuilding, global peace operations, and UN reform.

CIC's Afghanistan Reconstruction Project (ARP) carries out research and public education about selected issues related to the rebuilding of Afghanistan's institutions, society, and economy. The project supports efforts by the Afghan government, Afghan civil society, the United Nations Assistance Mission in Afghanistan, and donors to carry out a more effective reconstruction mission based on the Bonn Agreement and the Afghanistan Compact focused on Afghan ownership.

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Executive Summary	01
Introduction	02
The Private Security Phenomenon	03
Afghan Regulation Initiatives	04
Employing and Empowering Illegal Militias	06
Rivals to State Authority	07
The Need for Credible Public Security	09
Conclusion	10
Annex	11

Acronyms

ACOD	Armed Contractor Oversight Division
AGNA	ArmorGroup North America
ANA	Afghan National Army
ANP	Afghan National Police
ANSF	Afghan National Security Force
APPF	Afghan Public Protection Force
ASG	Armed Support Group
CSTC-A	Combined Security Transition Command-Afghanistan
DIAG	Disbandment of Illegal Armed Groups
DoD	US Department of Defense
DoS	US Department of State
FDD	Focused District Development
ISAF	International Security Assistance Force
NATO	North Atlantic Treaty Organization
MoI	Ministry of Interior
PRT	Provincial Reconstruction Team
PSC	Private Security Company
PSP	Private Security Provider
SIGAR	Special Inspector General for Afghanistan Reconstruction
UN	United Nations
USAID	US Agency for International Development
USPI	US Protection and Investigations
USSF	US Special Forces

Executive Summary

The absence of effective oversight of the private security sector in Afghanistan undermines the credibility and safety of the Afghan government and the international stabilization effort. In September 2009, an investigation into ArmorGroup North America, the private security company (PSC) contracted by the US Department of State to protect the US embassy in Kabul, Afghanistan revealed misconduct and poor management that jeopardized the safety of embassy personnel. Their culturally offensive behavior, graphically documented, is likely to further damage Afghan perceptions of PSCs and could potentially erode the legitimacy of the United States and its allies.¹

The private security industry in Afghanistan has grown apace with demand. As of August 2009, the total number of private security personnel employed by the US Department of Defense – the largest employer of private security in the country – increased 19 percent (from 4,373 to 5,198) in response to the deployment of additional military forces.² Since 2001, a range of private security providers (PSPs)³ has emerged, including international and national PSCs operating with or without the required Afghan licensing permits, as well as militias hired as “armed support groups” (ASG) by international military forces. Many PSPs are controlled by prominent Afghan families, including Hashmat and Ahmed Wali Karzai, brothers of President Hamid Karzai; Hamid Wardak, the son of Defense Minister Rahim Wardak; Gul Agha Shirzai, the governor of Nangarhar province; and Hajji Jan Mohammad Khan, the former governor of Uruzgan.

The use of unregistered PSCs and militia groups by the NATO International Security Assistance Force and US military contingents is widespread. Many of these PSPs serve as ready-made militias that compete with state authority and are frequently run by former military commanders responsible for human rights abuses or involved in the illegal narcotics and black market economies. Financing armed, alternative power structures fulfills security needs in the short-term at the cost of consolidating government authority in the long-term.

PSPs fulfill a need for which there is no clear, immediate alternative. There are too few Afghan National Police to provide protection for the staff, premises, and projects of the international community – and too little confidence in their ability among most internationals to entrust them with protection responsibilities. Better government regulation, monitoring, and enforcement by international consumers of private security will help ensure that private security works towards the stabilization of Afghanistan.

To date, regulation of PSCs in Afghanistan has been more reactive than proactive. The Ministry of Interior has issued operating licenses to 39 PSCs under an interim licensing procedure designed to limit the transformation of illegal armed groups into PSCs and to prevent their involvement in criminality. The interests of Afghan elites and the international community have proven an obstacle to strengthening and enforcing the existing national regulatory and legislative framework, though new regulations and audits by the US Government suggest that it may mandate more oversight of PSC contracts.

The goal should be a private security sector that is better regulated and controlled by the Afghan government and, critically, by the international community that constitute their primary source of contracts and revenue. Building a credible and accountable public security sector is a long-term process, however; one that will not address the immediate security needs of international and national stakeholders in Afghanistan. Nor, in the longer term, will it completely replace the market for PSCs both by the local and international community.

For the purposes of this study, “private security providers” (PSPs) refers to: (i) national and international private security companies (PSCs), both licensed and unlicensed by the Afghanistan Ministry of Interior, and (ii) armed support groups (ASGs) illegal militias employed by international military forces.

The Public Cost of Private Security in Afghanistan

The absence of effective oversight and control of private security providers (PSPs)⁴ employed by the international community undermines the credibility and effectiveness of the Afghan government, the international military and diplomatic presence, and reconstruction organizations. Weak regulation and enforcement also strengthen alternative power structures, including criminal groups, further undermining the authority of the Afghan government and the security of its citizens.

Militia groups employed by foreign military forces pose an even greater regulatory challenge than private security companies and do more long-term harm to stabilization efforts in Afghanistan.

Militia groups employed by foreign military forces pose an even greater regulatory challenge than private security companies (PSCs) and do more long-term harm to stabilization efforts in Afghanistan. Although there is a well-defined legal framework outlawing militia and paramilitary groups, it is unclear whether these laws apply to the “armed support groups” (ASGs) used by foreign forces. Nonetheless, these forces are prima facie violations of Presidential Decree 50 on demobilization and disarmament, the Law on Firearms, Ammunition, and Explosives, the “Procedure for Regulating Activities of Private Security Companies in Afghanistan” and the “Strategy for Disbandment of Illegal Armed Groups in Afghanistan”.⁵ Furthermore, many of their military commanders are responsible for human rights abuses and are involved in criminal activities, including narcotics trafficking.

There are also visible indications that the private security arena is better armed and better paid than their counterparts in the Afghan National Security Forces (ANSF).⁶ While there are no concrete figures on the amount of money spent on private security, as contracts are either confidential or cannot be substantiated, several sources within the private security sector and the Afghan gov-

Public Disclosure of Misconduct by ArmorGroup North America

In September 2009, the Project on Government Oversight (POGO) publicized gross negligence by ArmorGroup North America (AGNA), a private security company contracted by the US Department of State to protect the US embassy in Kabul. Inappropriate conduct by AGNA personnel – including hazing, sexual misconduct, and drunkenness – “resulted in complete distrust of leadership and a breakdown of the chain of command,” which jeopardized the security of the embassy.⁷ According to POGO, misconduct was not limited to a few AGNA personnel on a few occasions; AGNA has a record of documented, systemic contractual violations at the US embassy. During 2007-2008, the DoS identified numerous performance deficiencies, including insufficient numbers of guards, resulting in sleep deprivation; poor proficiency in English among the majority of the guard force; and victimization of Afghan staff. A subsequent investigation by the Senate Subcommittee on Contracting Oversight in June 2009 found that, despite the failure of AGNA to redress these shortcomings, the DoS renewed the AGNA contract through July 2010, with an option to extend to 2012.⁸ These shortcomings demonstrate the failure of effective oversight and its potential consequences; the activities reported also show a profound disrespect for local cultural and religious norms and Afghan law, further damaging the local perception of PSCs and, potentially, the legitimacy of the United States and its allies.

ernment estimate that 10 - 20 percent of reconstruction funding is spent on security.⁹ This would amount to USD 300-600 million per year, based on current Official Development Assistance figures; however, this figure does not reflect the full scope of contracts from international mili-

tary forces, embassies, non-governmental organizations, and the private sector. One senior Afghan government official privately estimated the total spending at three times that spent on the Afghan National Police (ANP) and Afghan National Army (ANA) salaries.¹⁰ If correct, this would amount to between USD 6-10 billion.

Private security adds to the cost of reconstruction in Afghanistan. According to the World Bank, contracted security increased the cost of highway reconstruction projects by 3-15 percent.¹¹ Security concerns are routinely cited as the main impediment to implementation of development and reconstruction projects, effectively stunting the flow of aid.¹² At the same time, amid worsening insecurity, maintaining the delivery of reconstruction assistance across the country – and the willingness of governmental, non-governmental, and private reconstruction organizations to deploy staff to Afghanistan – depends upon the protection services of a range of private security entities.

Indeed, the burgeoning private security sector in Afghanistan poses a dilemma. PSPs fulfill a need for which there is currently no clear, immediate alternative. There are too few ANP to provide protection to the staff, premises, and projects of the international community – and too little confidence in their ability among most internationals to entrust them with protection responsibilities. Better government regulation, monitoring, and enforcement by international consumers of private security will help ensure that it enables, rather than hinders, the stabilization of Afghanistan.

The Private Security Phenomenon

Since 2001, the international military forces, reconstruction and development contractors, as well as embassies, international organizations, and businesses have extensively utilized private security. PSPs initially served as a surrogate for the Afghan state security sector, but the local and international community have yet to suffi-

ciently alter their reliance on PSPs as these services and structures have become available. There is a wide range of PSPs operating in Afghanistan today: from international and national PSCs operating with or without the required Afghan licensing permits, to illegal militias hired as ASGs by international military forces.

The main services offered by PSPs in Afghanistan are: static guarding of premises and construction projects; close protection; escorting convoys; security assessment and training; intelligence and risk management; electronic security and surveillance; and quick reaction forces. PSPs have also been contracted for de-mining, poppy eradication, supporting the electoral process, and training Afghan security forces.¹³ Although there is little public information, incidents like that in Kandahar in June 2009 [See box on Page 8] also suggest the use of private security providers for “black ops,” including detention and interrogation.

Better government regulation, monitoring, and enforcement by international consumers of private security will help ensure that it enables, rather than hinders, the stabilization of Afghanistan.

The United States, which has the largest military and diplomatic presence in Afghanistan, is the largest employer of private security in the country. The practice of using PSCs to guard US embassies dates to the US intervention in Haiti in 1994; using PSCs to guard military bases was rare before September 11, 2001, but has become commonplace as troops have been mobilized to fight in Afghanistan and Iraq.¹⁴ According to the Commission on Wartime Contracting in Iraq and Afghanistan, there were 4,373 private security personnel on US Department of Defense (DoD) contracts and 689 US on Department of State (DoS) contracts in March 2009.¹⁵ Of these 5,062 personnel, 4,402 (85 percent) were Afghan nationals.¹⁶ In response to the deployment of additional military forces the total number of DoD PSC personnel increased 19 percent (from 4,373 to 5,198) as of August 2009.¹⁷

US Government Private Security Contractor Staff in Afghanistan, August 2009

	Total	US/ Coalition	Third Country National	Local/Host Country National
DoD PSCs ¹⁸	5,198	19	264	4,915
DoS PSCs ¹⁹	689	273	341	75

There are discrepancies, however. In July 2009, for instance, a US military spokesperson stated that the US military has 72 contracts for private security at forward bases and other local command posts in Afghanistan, employing 5,600 mostly Afghan civilian guards.²⁰

While the private security industry in Afghanistan has grown apace with demand, regulation has been more reactive than proactive.

Use of private security by the US in combat zones has grown despite congressional legislation and guidance stating that PSCs cannot undertake “inherently governmental functions.”²¹ Employment of PSCs is one aspect of a growing trend by the US government to contract a broad range of support services (e.g., construction, linguistics, logistics, transportation). In fact, the total number of DoD contractor personnel in Afghanistan (68,197) now exceeds that of uniformed personnel (52,300). Contractors comprised 57 percent of the DoD’s workforce in Afghanistan in March 2009 – the highest percentage ever used by the US in any conflict.²²

Afghan Regulation Initiatives

While the private security industry in Afghanistan has grown apace with demand, regulation has been more reactive than proactive. In mid-2007, at least 18 domestic and 57 international PSCs were operating in Afghanistan.²³ In February 2008, the Afghan Ministry of Interior (Mol) Disarmament and Reintegration Commission intro-

duced an interim licensing procedure for existing PSCs²⁴ in an effort to limit the transformation of illegal armed groups into PSCs and to prevent their involvement in trafficking arms and narcotics and other criminal activity.²⁵

All PSCs then operating in Afghanistan were notified that they had 45 days in which to complete their application for a permit. The processing of applications by the Mol High Coordination Board of Security Companies’ Affairs was monitored by the United Nations (UN), the NATO International Security Assistance Force (ISAF), the Combined Security Transition Command-Afghanistan (CSTC-A), and various embassies. Mol issued operating licenses to 39 international and Afghan-owned PSCs, [See Annex on Page 11] effectively capping the size of the industry.²⁶ Together these companies account for some 19,260 security personnel,²⁷ the majority of whom are locally-hired Afghan personnel working in Kabul.²⁸

PSPs operating without a license have since accused the government of favoring companies with ties to government officials – an accusation facilitated by the notorious corruption associated with Mol. While many of the 39 PSCs with licenses are connected to Afghan elites, according to a former official familiar with the process, those without licenses failed to submit an application by the deadline.²⁹ Some likely assumed they would be able to get a license through corruption. When this eventually did not work, they began voicing concerns about the integrity of the licensing process in order to prevent closure.³⁰

The PSC regulation defines the following: illegal activities for PSCs (including what might be regarded as “state functions,” e.g., border protection, securing government offices); requirements for foreign and local security companies to be issued operating and weapons licenses; terms and conditions of employment – including vetting personnel for past criminal activities and human rights violations; guidelines for uniforms; restrictions on procurement of equipment and ammunition; and

monitoring procedures. PSCs seeking registration are required to disclose their organizational structure – in part to distinguish them from militia – and their ownership. Senior Afghan government officials and their relatives “up to the second degree” are banned from ownership or part ownership. However, holding companies and other means are used to obscure the true ownership of PSCs; close relatives of senior officials – including President Karzai and Defense Minister Abdul Rahim Wardak – are previously documented owners and partners in companies, but often have removed their names from licensing documents despite indications of continued ownership, though not day-to-day management.³¹

Annexed to the regulation is the “Law on Using Force by Private Security Companies in Afghanistan.” The law consists of seven articles outlining: (i) the obligation of security companies to cooperate with national and international security forces; (ii) the conditions under which “eliminating force” can be used (in self defense in accordance with the law, to defend persons and property for which they are hired, and to protect “defenseless civilians” from attack in absence of responsible authorities); (iii) conditions under which PSCs do not have the right to use force (including protecting their client from arrest, securing individuals involved in drug trafficking and smuggling, and protecting criminals, armed insurgents, and unlicensed private companies); (iv) training and licensing requirements for personnel and their weapons; (v) the use of gradual power; (vi and vii) guidance on preventing civilian casualties and on maintaining their trust. However, the annex states that “security companies are duty bound to *seriously consider following* [these] seven important points”³² – ambiguous language that raises questions about the extent to which it is binding on PSCs and enforced by the Mol. Thus far, no registered PSCs have been de-licensed due to violation.

Despite public concerns of criminal behavior by some PSCs in Afghanistan, there is no formal complaint mechanism. The Mol High Coordination Board, under the regulation,

is to create a website to publicly disclose information on relevant government laws and regulations, decisions on which PSCs receive licenses or are rejected, and information on the licensed companies. Specifically, the regulation requires PSCs to provide a contact address in order to receive complaints. Nineteen months after the regulation was published, the website had yet to be established. Most Afghans, including government officials, have extremely limited access to the Internet and low computer literacy (and, more importantly, widespread illiteracy), underscoring the importance of providing alternative, accessible sources of information and mechanisms for filing complaints. The licensing process requires that each PSC provide extensive documentation on their operations, the identity of their management and personnel, and their vehicles and weapons. However, the system is centralized in Kabul and the transfer of files to the provinces limited by technology. As provincial officials have difficulty accessing the information, their investigations into possible illegal PSC activity are often inconclusive.

The vested interests of Afghan elites and the international community have so far proven a key obstacle to strengthening and enforcing the existing national regulatory framework for private security.

A participant at a July 2009 closed-door workshop on international private security regulation efforts described a meeting in which provincial authorities in Nangarhar stated their belief that they would be unable to trace weapons belonging to PSCs back to those catalogued by the Mol’s registry in Kabul.³³ The waiting period for a response to a request for hard copies of PSC registration records could take up to five months, if responded to at all. Inefficient mechanisms for sharing data on PSCs with authorities beyond the capital weakens oversight.

A greater challenge, however, is the absence of political will. While the willingness of provincial authorities to monitor and investigate PSCs is influenced by their relative

weakness, the vested interests of Afghan elites and the international community have so far proven a key obstacle to strengthening and enforcing the existing national regulatory framework for private security and, more broadly, the presidential decree outlawing armed groups outside of government security forces.³⁴

The use of unregistered companies and illegal armed support groups, with little oversight or accountability, appears to be widespread among international military forces.

Although the Afghan regulation is neither formalized nor comprehensive, only fifty other countries have domestic policies relating to regulation of PSPs.³⁵ Contracting accountability on the behalf of the international community is an issue yet to be fully addressed, however. The United States has taken several recent initiatives in an attempt to exert greater oversight over its contracts for private security:³⁶

- In February 2009, the DoD established the Armed Contractor Oversight Division (ACOD) in Afghanistan to implement contractor policies, procedures, processes for – and liaison with – PSCs, as well as to investigate incidents involving the use of force.³⁷ Aegis, a British PSC was contracted to run ACOD, but with limited US Government supervision from the US military.³⁸
- The Special Inspector General for Afghanistan Reconstruction (SIGAR) announced on July 31, 2009 that it was initiating an audit on the use of private contractors by the US DoD, DoS, and US Agency for International Development (USAID) to provide security for reconstruction activities.³⁹
- The DoD Interim Final Rule on the use of PSCs in support of contingency operations, released in July 2009, is a first step towards mandating more oversight

and formalized procedures for PSC personnel employed by the US Government in designated areas of combat. Implementing this policy may prove challenging given the heavy dependence of US activities on PSPs both within and outside the legal parameters.⁴⁰ The ongoing deployment of additional US and other NATO troops to Afghanistan will further increase this dependence.

Employing and Empowering Illegal Militias

The Afghan government maintains that, through the PSC licensing process, it “has given conditional permission to hire reliable and professional private security companies that can adhere to Afghanistan’s laws and accepted standards to provide security to the ISAF military bases, embassies, and large economic projects.”⁴¹

ISAF and US Special Forces, which operate outside of the ISAF chain of command, employ a range of private security providers to augment their security. Employment of PSPs enables more troops to be sent out on patrol to interact with the local population and on combat operations (though historically, base security in other theaters has been performed by military police). While ISAF and US contingents employ licensed security companies in some locations, the use of unregistered companies and illegal armed support groups, with little oversight or accountability, appears to be widespread among international military forces.

Sources estimate that there are also as many as 1,000 to 1,500 illegal ASGs that have been employed, trained, and armed by ISAF and Coalition Forces to provide security to forward operating bases, escort supply convoys, and perform other functions, as well as by development agency contractors and provincial reconstruction teams (PRTs) to protect assistance projects.⁴²

These security providers are frequently run by former military commanders with ethnic, political, or kinship ties

Examples of both unregistered private security companies and armed support groups employed by international military forces:

- In *Parwan* province, Baghram Airbase employs a PSC run by Asil Khan, a former Northern Alliance commander allied with Haji Almas, a member of parliament from Parwan and former Northern Alliance military commander.⁴³
- In *Uruzgan* province, the Australian Defense Forces employ a 2000-strong paramilitary force, the Kandak Amnianti Uruzgan (“Uruzgan Security Battalion”), privately run by Col. Mutiallah Khan to provide security along the Kandahar-to-Tarin Kowt road.⁴⁴ The same company is also used by US Special Forces.
- In *Kandahar* province, the Canadian Forces have contracted defense services from Gul Agha Shirzai (via Commando Security) and Gen. Gulalai, both former military commanders. Shirzai, currently governor of Nangarhar province, was previously governor of Kandahar. The Canadian PRT has hired the militia of Col. Haji Toorjan, an ally of Sherzai, to provide camp security services.⁴⁵
- In *Badakhshan* province, security for the German PRT is provided by Gen. Nazri Mahmud, a former Shura-i-Nazar commander known to control a significant portion of the province’s lucrative opium industry.
- The use of ASGs for security services is not confined to international military forces: in the best documented case of a PSC employing militia, US Protection and Investigations (USPI) partnered with Northern Alliance military commanders like General Din Mohammad Jurat to provide their foot soldiers to the company. USPI – the American owners of which have been federally indicted for fraud in the US – has held, and continues to hold, contracts with the USAID, the World Bank, the Japan International Cooperation Agency, the UN, and private businesses.⁴⁶

to serving and former government officials and other Afghan elite. Many are responsible for human rights abuses and are involved in the illegal narcotics and black market economies. In the south of Afghanistan, there is also a tribal dimension.

PSPs are associated with the tribe of their leader, (e.g., Kandak Amnianti Uruzgan and its commander Matiullah Khan with the Popalzai). In Kandahar, there are Popalzai- and Barakzai-affiliated PSPs (e.g., those linked to the Karzai family and Gul Agha Shirzai, respectively).⁴⁷

Rivals to State Authority

The mandate of the Coalition Forces and ISAF is to support the Afghan government and the Afghan National Security Forces (ANSF). However, by employing ASGs, the international community strengthens PSP power relative to Afghan government institutions. The authority wielded by the heads of PSPs surpasses that of provincial governors and police chiefs, as they are better armed and funded. This signals to the Afghan public that their security and well-being is not a priority. Local commanders and their militias are a primary source of insecurity for Afghan citizens, as they violate basic human rights with impunity.⁴⁸

By employing armed support groups, the international community strengthens private security provider power relative to Afghan government institutions.

Many of these PSPs continue to serve as ready-made militias that compete with the state or otherwise protect the power and interests of their commanders. The employees for most private security companies – particularly registered companies based in Kabul – are hired through an open recruitment process and vetted by Mol’s Criminal Investigation Department. There is no accountability for staff of PSPs operating outside the regulatory framework. Moreover, illegal PSPs are generally the most lucrative option available to former combatants

that have either been excluded from – or failed by – the international community’s disarmament, demobilization, and reintegration initiatives.⁴⁹ Many have been lured back to PSPs, including those lead by their former commanders.

PSPs are generally the most lucrative option available to former combatants that have either been excluded from – or failed by – the international community’s disarmament, demobilization, and reintegration initiatives.

Drug trafficking and other criminal activities in which commanders may be involved – and for which their militias provide security – is a lucrative source of illegal revenue that can then be used to bribe government officials and strengthen shadow structures of authority. Illicit taxation of PSPs escorting convoys and other scams on private transport and security are also an important source of funding for corrupt police and insurgents. The Kandak Amnianti Uruzgan, for example, secures protection “by paying a hefty toll to the policeman in charge of the road.”⁵⁰ Although it is transportation and construction companies, both international and national, who are the main source of “protection” revenue, private security escorts also pay Taliban not to be attacked. According to an Afghan intelligence official, there are examples of PSPs paying as much as 60 percent of their gross profits for convoy security to the Taliban and other insurgent-cum-criminal groups for “protection.”⁵¹ (An international analyst and a private security manager based in Afghanistan thought the usual rate was likely much lower, but did not discount the practice.)

Co-opting former Afghan military commanders as anti-Taliban allies has been a centerpiece of international military operations in Afghanistan since the 2001 military intervention. The US armed and funded military commanders – many with egregious human rights records – in the initial war to overthrow the Taliban. The

existing system to protect US forces dates from this period. As there was effectively no government – and hence no public security service – commanders’ private militias were hired for security. During 2003-2006, these commanders and their militias were supposedly dismantled,⁵² and state security forces established. But many of the same military commanders still lead the same armed men in the form of ASGs and PSCs, licensed and unlicensed.

The June 29, 2009 Kandahar Incident

The challenge posed by illegal militia groups employed by foreign armed forces to Afghan state authority was demonstrated on June 29, 2009, when 41 Afghan nationals employed by an “armed support group” (ASG) – an unregistered militia force – run by US Special Forces (SF) out of Camp Gecko in Kandahar killed the chief of police of Kandahar province and five other police officers. The incident occurred during a gun battle inside a government compound after the ASG sought the release of a one of their members arrested earlier that day. When the provincial attorney general refused and called the Afghan National Police, the firefight broke out. USSF claimed they could not be held responsible for the actions of the ASG, but the incident raised the question of how 41 heavily armed men and their vehicles could simply drive out of a USSF-run base. President Hamid Karzai responded to the killing, stating, “Such incidents negatively impact the state-building process in Afghanistan” and “weaken the government.”⁵³

Today, there is an elected government, but the international community has not altered its security practices. PSPs, especially unlicensed security companies and ASGs, are dependent on short-term contracts with foreign entities and have no prospect of sustainability. Hence, when the foreign entities eventually leave or terminate their contracts, these PSPs are likely to refocus on illegal economic activities and will fight among themselves for market share – better trained and better armed than before.

The Need for Credible Public Security

The Afghan National Security Forces (ANSF) are not at the level – either in number or competence – that the US military estimates is necessary to stabilize Afghanistan. The counterinsurgency strategy requires more national soldiers and police officers who can complement and take over from international military forces to clear and hold reclaimed territory.

US military strategy aims to increase the capacity and size of the ANA and ANP. Donors and the Afghan Government have already agreed to increase the ANA from 90,000 to 134,000 troops; the US DoD estimates as many as 260,000 may be needed. Minister of Interior Atmar has similarly proposed expanding the ANP from 82,000 to 97,000.

The ANA has demonstrated increasing operational capability and independence. Afghanistan's police, however, suffer from a lack of public trust, due to incompetence and corruption, and from an inability to protect themselves from insurgent attacks, due to inadequate leadership, training, and equipment. More Afghan police than soldiers die fighting insurgents.⁵⁴ David Kilcullen, former senior counterinsurgency advisor to the US Army, has described the problem with the Afghan police this way:

"We have built the police into a less well-armed, less well-trained version of the Army and launched them into operations against the insurgents. Meanwhile, nobody is doing the job of actual policing – rule of law, keeping the population safe...civil and criminal law enforcement – the Taliban have stepped into this gap."⁵⁵

The US-led Focused District Development (FDD) police training program, though in its early stages, has shown signs of addressing some of the problems that have plagued earlier police reform.⁵⁶ Yet, while the FDD is

effectively transforming the ANP into a paramilitary force capable of standing up to insurgents in targeted districts, other policing skills necessary for upholding the rule of law remain under-addressed.

In an attempt to alleviate the use of ANP for guard duties and still meet protection needs for government ministries, embassies, the UN, as well as for strategic assets (the Aynak copper mine, Salma and Kajaki dams), MoI is in the process of establishing its own contractable unit, the "Public Guard Force."⁵⁷ The success of the unit will depend on its financial self-sustainability, which in turn will depend on whether it is perceived as a credible alternative to private security.

The counterinsurgency strategy requires more national soldiers and police officers who can complement and take over from international military forces to clear and hold reclaimed territory.

Complicating matters, in February 2009, the Afghan government and US military forces began training and arming new community-level militias to supplement insufficient numbers of international and national security forces. Under the "Afghan Public Protection Force" (APPF), up to 200 local militia members will be recruited in ten districts, constituting a force of up to 2,000 armed personnel. Priority is being given to insecure districts along the Ring Road, in areas where most of the population is concentrated. Raising local militias as an interim, auxiliary security force has been a recurring idea. An earlier attempt, the Afghan National Auxiliary Police, had to be disbanded in 2006 due to corruption and incompetence. The Afghan National Guard, a still earlier proposal, never made it past the planning stages.

Proponents argue that such groups will provide critical support to overstretched Afghan police and military forces, and that they will be accountable to community leaders as well as providing a much needed employment alternative for former combatants. Critics have argued

that the model – the old Pashtun tribal militia system – has been corrupted by war and has no basis elsewhere in the country, and that it therefore risks introducing more uncontrollable armed groups and stoking ethnic tensions.

Initial evidence suggests that the APPF is neither prepared nor willing to tackle the insurgency. Pashtun tribes are especially reluctant to provide young men for fear of reprisal from the Taliban.⁵⁸ There may be a role for these groups in combating local crime – but this will only be effective where there is stable local governance and effective local, if not national oversight. The oversight mechanism for the APPF has not been adequately established within the MoI prior to establishing the militia groups. There are additional unresolved issues – vetting of members, ensuring ethnic balance, command and control, payment, rules of engagement, policies on arrest and detention – that need to be resolved before arming and training additional armed groups in Afghanistan.⁵⁹

Financing armed, alternative power structures fulfills the security needs of international diplomatic, military, and reconstruction personnel in the short-term at the cost of consolidating government authority and protecting Afghan citizens in the long-term.

Without effective public security forces, peace is impossible. Yet maintaining and expanding the ANSF is prohibitively expensive for Afghanistan, which has current annual revenue of some USD 700 million. According to the US DoD, expanding the ANA alone will cost between USD 10-20 billion over a seven year period; recurrent costs have been calculated at USD 2.5 billion per year for the ANA and USD 1 billion per year for the ANP. Foreign donors, principally the United States, supply the overwhelming share of financial support for ANSF.⁶⁰

Building more credible public security forces is not just a matter of greater investment. Financing armed, alternative power structures fulfills the security needs

of international diplomatic, military, and reconstruction personnel in the short-term at the cost of consolidating government authority and protecting Afghan citizens in the long-term. Ending the impunity of powerholders, whether local or national, will increase public trust in the state and Afghans' willingness to support it in its struggle against insurgents.

Conclusion

The majority of Afghans cannot afford private security. The existence of a credible and accountable public security force, sized and trained commensurate to the scale and nature of insecurity in Afghanistan, would mitigate the need for international donors to contract billions of dollars on the private security industry – above all on unaccountable illegal companies and armed support groups. Investing a greater share of current private security expenditure on the Afghan National Police would help break the cycle of insecurity and insurgency by better resourcing the police, disempowering illegal militias and other competitors to the state, and building public trust in public security.

Nonetheless, building a credible public security sector is a long-term process; one that will not address the immediate security needs of international and national stakeholders in Afghanistan. Nor, in the longer term, will it completely replace the market for PSCs. The role of the ANA and ANP is not to provide static and convoy security; placing them in that role would detract from their essential task of safeguarding public security and safety – and deteriorate their performance of these responsibilities. The goal, therefore, should be a private security sector that is better regulated and controlled by the government of Afghanistan and, critically, by the international community that constitute their primary source of contracts and revenue.

Annex: Afghanistan Ministry of Interior-Registered Private Security Companies

Company Name	Country Registered
AEGIS http://www.aegisworld.com/	United Kingdom
Armor Group http://www.armorgroup.com	United Kingdom
ARGS	Afghanistan
Asia Security Group (ASG) http://www.asg.af/	Afghanistan
Kabul-Balkh Security Services http://www.kbss.af/	Afghanistan
Burhan	Afghanistan
Blue Hackle http://www.bluehackle.com/	United Kingdom
Blackwater http://blackwatersecurity.com/services.html	United States
Commercial Security Group	Afghanistan
Compass Security http://ozziewebs.org/compass/contact-us.htm	Australia
Control Risks Group http://www.controlrisks.com/default.aspx?page=495	United Kingdom
DynCorp http://www.dyn-intl.com/	United States
Edinburgh International http://www.edinburghintl.com/	United Kingdom
EODT/GSC http://www.eodt.com/	United States
Four Horsemen/ARC http://www.thefourhorsemeninternational.com/securitydivision.html	United States
GardaWorld http://www.garda-world.com/	Canada
Global http://www.globalsecurity.org/org/index.html	United Kingdom
Good Knight Security Services http://gkssecurity.com/	Afghanistan
HART Security http://www.hartsecurity.com/	Afghanistan
IDG http://www.idg-security.com/	United Kingdom

Source: Overseas Security Advisory Council (OSAC) Kabul County Council (<http://kabul.osac.gov/>)

Annex: Afghanistan Ministry of Interior-Registered Private Security Companies *continued*

Company Name	Country Registered
ISS	Afghanistan
Khorasan	Afghanistan
NCL	Afghanistan
Olive http://www.olivesecurity.com/	United Kingdom
PAGE Associates http://www.pageassociates.net/services.htm	United Kingdom
Pride Security Services	Afghanistan
REED Inc http://www.reedinc.com	United States
RONCO http://www.roncoconsulting.com/	United States
Saladin http://www.saladin-security.com/html/afghan.shtml	United Kingdom
Siddiqi Security	Afghanistan
Shield	Afghanistan
SOC - Afg http://www.soc-usa.com	Afghanistan
Strategic Security Solutions International (SSSI) http://www.universanguardian.com/	United States
TOR	Australia
Tundra SCA http://www.tundra-security.com/#	Afghanistan
USPI http://uspi.us/	United States
UNITY - OSG http://www.olympus-security.com/contact_us.html	Dubai
WATAN Risk Management http://watanrisk.com/	Afghanistan
White Eagle	Afghanistan

Source: Overseas Security Advisory Council (OSAC) Kabul County Council (<http://kabul.osac.gov/>)

End Notes

¹Project on Government Oversight, "POGO Letter to Secretary of State Hillary Clinton regarding U.S. Embassy in Kabul," <http://www.pogo.org/pogo-files/letters/contract-oversight/cogp-20090901.html#18>.

²Commission on Wartime Contracting in Iraq and Afghanistan, "At What Cost? Contingency Contracting in Iraq and Afghanistan, Interim Report," June 2009, p. 62. http://www.wartimecontracting.gov/images/download/documents/reports/CWC_Interim_Report_At_What_Cost_06-10-09.pdf; US Department of Defense, "Contractor Support of U.S. Operations in USCENTCOM AOR, Iraq, and Afghanistan," 3rd Quarter FY2009, www.acq.osd.mil/log/PS/p_vault/5A_august_3rd_qtr_2009.doc.

³For the purposes of this study, "private security providers" refers to: (i) national and international private military and security companies, both licensed and unlicensed by the Afghanistan Ministry of Interior, and (ii) armed support groups illegal militias employed by international military forces.

⁴For definition of "private security providers" as used in this study, see footnote 2 above.

⁵"Illegal armed groups" are defined by the following Afghan laws and regulations: (i) Presidential Decree 50 "Legal Prosecution of the violators of the Disarmament and Demobilization process" (July 2004), which defines as illegal, inter alia, "(1) those who maintain their armed groups, military and paramilitary units out of Ministry of Defence's structure or recruit others to do so; (2) Those whose military structures, armed groups and other military and paramilitary formations within MoD structure have been dismantled, but reorganized them again;... (4) Those who entered DDR and submitted their weapons, and later enlisted to the formations out of the MoD"; (ii) the Law on Firearms, Ammunition, and Explosives (June 2005), which restricts those institutions that may legally acquire, carry, keep, use, purchase, import and export firearms and ammunition to the Ministry of Defense, Ministry of Interior, and the General Directorate of National Security; its Article 6 (4) provides exemptions for private security companies, as defined by (iii) The Interim Private Security Regulation (February 2008). The "Strategy for Disbandment of Illegal Armed Groups in Afghanistan" further defines as illegal "a group of more than five armed individuals operating outside the law, drawing its cohesion from (a) loyalty to the commander, (b) receipt of material benefits, (c) impunity enjoyed by the members, (d) shared ethnic or social background," United Nations Development Program, "Strategy for Disbandment of Illegal Armed Groups in Afghanistan", 2006, p. 2.

⁶Following pay reforms, the salary for ANP patrolmen is between USD 100-110 per month; private security personnel on basic guard duty earn between USD 200-300 per month. Police salary figures from US Government Accountability Office, "U.S. Programs to Further Reform Ministry of Interior and National Police Challenged by Lack of Military Personnel and Afghan Cooperation," March 2009, p. 37; estimates of current PSC salaries from email communication by author with private security official in Kabul, on file. See also, "The Privatization of Security in Afghanistan – When nobody guards the guardians," SwissPeace, June 2007, p. 22.

⁷Project on Government Oversight, op. cit.

⁸Ibid.

⁹Estimates provided to author by anonymous sources within the Ministry of Interior and a private security company, record on file with authors. This figure is consistent with security expenditures in Iraq.

¹⁰Private comments by senior Afghan government official to ARP staff, on file with the authors.

¹¹Nicole Ball, William Byrd, Peter Middlebrook, and Christopher Ward, 'Improving Public Financial Management in the Afghan Security Sector', Report No. 34582-AF, (Washington DC: World Bank, 2005), p. 29.

¹²Office of the Special Inspector General for Afghanistan Reconstruction (SIGAR), January 30, 2009 Report To Congress.

¹³Unpublished study on the use of private sector security providers in Afghanistan, on file with the authors.

¹⁴Commission on Wartime Contracting in Iraq and Afghanistan, op. cit. p. 60.

¹⁵Ibid., p. 62.

¹⁶Ibid.

¹⁷Ibid.; US Department of Defense, "Contractor Support of U.S. Operations in USCENTCOM AOR, Iraq, and Afghanistan," 3rd Quarter FY2009.

¹⁸US Department of Defense, "Contractor Support of U.S. Operations in USCENTCOM AOR, Iraq, and Afghanistan," 3rd Quarter FY2009.

¹⁹Commission on Wartime Contracting in Iraq and Afghanistan, op. cit., p. 62.

²⁰Walter Pincus, "Military Weighs Private Security on Front Lines," The Washington Post, July 26, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/07/25/AR2009072501738.html?referrer=emailarticle>. Cf. Zucchio, op. cit.

²¹See, in particular, 110th Congress, Senate Bill S. 3001, "National Defense Authorization Act for Fiscal Year 2009." http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:s3001pcs.txt.pdf and Public Law 110-417, Sec. 832, "Sense of Congress on Performance by Private Security Contractors of Certain Functions in an Area of Combat Operations." http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_public_laws&docid=f:publ417.110.pdf.

²²Moshe Schwartz, "Department of Defense Contractors in Iraq and Afghanistan: Background and Analysis," Congressional Research Service. August 13, 2009. p. 8.

²³The Privatization of Security in Afghanistan-When nobody guards the guardians," SwissPeace, June 2007.

²⁴In February 2008, the "Procedure for Regulating Activities of Private Security Companies in Afghanistan" entered into force. The regulation was established pursuant to the draft law on Private Security Companies approved by the Council of Ministers in January 2008 (still pending before parliament) and the Law on Weapons, Ammunitions, and Explosives.

²⁵Ibid., p. 2.

²⁶Mol is considering procedures to raise the cap on a case-by-case basis. It is also reviewing license applications for twelve new private security companies.

²⁷Unofficial Ministry of Interior document, "PSCs that have received Temporary Registration Licences (FINAL)," dated September 21, 2008, on file with author. An alternative figure of 23,000 personnel is cited in David Zucchio, "Deadly contractor incident sours Afghans," LATimes, August 13, 2009, <http://www.latimes.com/news/nationworld/world/la-fg-afghan-contractors132009aug13,0,5499394.story>. ²⁸Unpublished study on the use of private sector security providers in Afghanistan, on file with the authors.

²⁹Comment provided in communication with authors.

³⁰Over a dozen private security companies operating without a license were subsequently shutdown. See for example, Anthony Loyd, "A ride out with the Afghan flying squad on its mission to shut down rogue security firms," The Times, October 31, 2007, <http://www.timesonline.co.uk/tol/news/world/asia/article2774227.ece>.

³¹Author interview with Mol and UN officials, on file with the author.

³²"Procedure for Regulating Activities of Private Security Companies in Afghanistan," pp. 29-30. Emphasis added.

³³"A Workshop with the UN Working Group on Mercenaries," International Peace Institute, New York, July 29, 2009.

³⁴Presidential Decree 50 "Legal Prosecution of the violators of the Disarmament and Demobilization process" (July 2004). The decree "criminalizes acts against the Disarmament, Demobilization and Reintegration process and punishes individuals who endanger the country's security, maintain military formations, armed groups, and other military or militia units outside of the government's security forces, or recruit persons for those purposes[.]"

³⁵PMSC Regulation Database. Geneva Centre for the Democratic Control of Armed Forces (DCAF), July 20, 2009, <http://www.privatesecurityregulation.net/pm-sc-regulation>

database. At the international level, the UN Working Group on the Use of Mercenaries is currently drafting a convention on the regulation, oversight, and monitoring of "private military and security companies" – the first of its kind – but it is unclear what impact the eventual ratification of such a convention would have at the national level. For an overview of extant national and international regulatory mechanisms –and potential models – for the private security industry, see James Cockayne et al., *Beyond Market Forces: Regulating the Global Security Industry*, (New York: International Peace Institute, 2009).

³⁶US Department of Defense's "Contractor Support of U.S. Operations in USCENTCOM AOR, Iraq, and Afghanistan," 3rd Quarter FY2009, list of "improvements to management and oversight of DoD contractors" contains fourteen separate items.

³⁷Commission on Wartime Contracting in Iraq and Afghanistan, *op. cit.*, p. 74.

³⁸*Ibid.* Aegis does not currently have armed personnel in Afghanistan.

³⁹Special Inspector General for Afghanistan Reconstruction, Letter from John Brummet, Assistant Inspector General for Audits, OSIGAR, dated July 31, 2009, copy on file with the authors.

⁴⁰"Private Security Contractors (PSCs) Operating in Contingency Operations, US Department of Defense Interim Final Rule," July 17, 2009.

⁴¹Unpublished study on the use of private sector security providers in Afghanistan, on file with the authors.

⁴²Numbers independently provided to CIC by two former UN officials. The United Nations estimated in 2005 that there were nearly 5,000 militias nationwide -- upwards of 120,000 armed individuals. To date, only some 300 militia groups have been disarmed or their members arrested. In most districts, local commanders still remain in power and beyond the law.

⁴³Asil Khan's brother reportedly owns a cement factor with extensive contracts for construction at Baghram airbase.

⁴⁴Mark Dodd and Jeremy Kelly, "ADF plays down warlord's role on crucial supply chain," *The Australian*, April 28, 2009.

⁴⁵Mike Blanchfield and Andrew Mayeda, "Military hires former Afghan fighters as security guards," *CanWest News Service*, November 22, 2007; Blanchfield and Mayeda, "The civilian presence in modern warfare," *The Ottawa Citizen*, November 19, 2007.

⁴⁶See *The Privatization of Security in Afghanistan – When nobody guards the guardians*, SwissPeace, June 2007; Daniel Schulman, "The Cowboys of Kabul," *Mother Jones*, July 27, 2009 <http://www.motherjones.com/politics/2009/07/cowboys-of-kabul>.

⁴⁷That the chief of police and the armed support group involved in the June 29, 2009 incident in Kandahar were from rival tribes was a probable factor in the escalation.

⁴⁸See for example, Fatima Ayub, Antonella Deledda, and Patricia Gossman, "Vetting Lessons for the 2009-10 Elections in Afghanistan," *International Center for Transitional Justice*, New York, January 2009.

⁴⁹Disbandment of Illegal Armed Groups in Afghanistan, DIAG Evaluation, 22 April 2009, on file with authors.

⁵⁰Jeremy Kelly, "The Long Road to Tarin Kowt," *The Australian*, April 28, 2009. According to the article, Matiullah receives "at least \$US1700... a truck to ensure each convoy arrives at its destination safely"; with about 200 trucks a month going to Tarin Kowt is worth nearly USD 340,000/month.

⁵¹Private comments by senior Afghan government official to ARP staff, on file with the authors.

⁵²After the fall of the Taliban, Northern Alliance militia groups were organized into the Afghan Military Force. This force was the target of disarmament, demobilization, and reintegration under the Afghanistan New Beginnings Program, which ran from 2003-2006. It was succeeded by the DIAG program, which targeted illegal, independent militias that remained.

⁵³Richard A. Oppel, Jr., "Afghan Security Guards Are Blamed in a Gun Battle That Killed a Police Chief," *New York Times*, June 30, 2009. Additional details of incident provided to author by anonymous source, record on file with authors.

⁵⁴Between 2007-2009, 1,504 ANP were killed in action, compared to 568 ANA soldiers. "Factbox –Afghanistan National Security Forces," *Reuters*, March 27, 2009. <http://www.reuters.com/article/>

[latestCrisis/idUSISL112818](http://www.reuters.com/article/latestCrisis/idUSISL112818).

⁵⁵David Kilcullen, interviewed by George Packer, "Kilcullen on Afghanistan: It's Still Winnable, But Only Just," *The New Yorker*, 14 November 2008, via <http://www.newyorker.com/online/blogs/georgepacker/2008/11/kilcullen-on-af.html>.

⁵⁶To rectify this situation, police units are now being retrained through the Focused District Development program, which, though in its early stages, has shown promising results. In February 2009, the US Department of Defence assessed 19 percent of retrained units as capable of conducting missions on their own and 25 percent as capable of doing so with outside support. But, again, without enough trainers, rolling out the program countrywide will be impossible. Government Accountability Office, *Afghanistan Security: U.S. Programs to Further Reform Ministry of Interior and National Police Challenged by Lack of Military Personnel and Afghan Cooperation*, March 2009.

⁵⁷A letter sent to the international and national business community in Afghanistan, dated February 9, 2008, informed of the new security company regulations, stating "Clients wishing to hire Security Service Providers may approach the existing registered 39 companies or approach the Ministry of Interior to provide services through the Public Guard Force at cost to the client." Copy on file with the authors. The Public Guard Force resembles, albeit on a smaller scale and, ideally, with greater oversight and control, the Facilities Protection Service established in Iraq following its consolidation and transfer to the Iraqi Ministry of Interior payroll.

⁵⁸Author interviews, Kabul, April 2009. Also see CJ Radin, "The Afghan Public Protection Force pilot program is underway," *Long War Journal*, March 25, 2009, via http://www.longwarjournal.org/archives/2009/03/afghan_public_protect.php; Anand Gopal, "Lessons from Iraq? US creates local militias to fight Taliban," *Christian Science Monitor*, April 13, 2009, via <http://www.csmonitor.com/2009/0413/p06s10-wosc.html>; Dexter Filkins, "In Recruiting an Afghan Militia, U.S. Faces Test," *The New York Times*, April 14, 2009, via http://www.nytimes.com/2009/04/15/world/asia/15afghan.html?_r=1&scp=2&sq=Filkins&st=nyt.

⁵⁹Author interviews, Kabul, April 2009.

⁶⁰In 2005, Afghanistan spent 56.5 percent of GDP on the security sector. Eighty percent of overall security expenditure in Afghanistan was directly executed by donors or their contractors through the external budget, instead of going through the core budget process of the Ministry of Finance. Ball et al., *op. cit.*, p. 23. (These figures do not represent the authorized increase in size of ANA and ANP; as a result, the percentage of external expenditure has likely increased.)

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