

Private military and security companies & CSDP

Selection of recent documents

EP Library, 02 March 2011

In recent years, private military and security services have attracted growing attention: states like the US, the UK have resorted to private military and security companies (PMSCs) in situations of armed conflict. The potential engagement of these firms has raised questions under international humanitarian law. The legality of these soldiers, commonly known as mercenaries, has been questioned and criticised. In addition, the issue of accountability of the PMSCs and of their employees has emerged after recent conflicts in Iraq and Afghanistan.

What is the role of the European Union? No harmonisation of legislation concerning the private security industry at the European level has yet taken place, as can be concluded from several studies. The participation of PMSCs in CSDP Missions is another area in which little information is available.

This Library Keysources brings together a selection of recent documents on the role of the EU in the private security and military industry and the role of PMSCs in CSDP.

Overview

- The Regulatory context of private military and security services at the European Union level (Addendum), Guido Den Dekker, Utrecht University, PRIV-WAR project, 5 May 2010, 11 p.

This Addendum briefly discusses the most important changes in the institutional structure after Lisbon Treaty concerning the Common Foreign and Security Policy (CFSP) in connection with the topic of regulating private military and security (PMS) services at the EU level, and provides a brief update of relevant regulations at the EU level since the April 2009 report.

EU Project

- Project PRIV-WAR (European Community's 7th Framework Programme)

The project assesses the impact of the increasing use of private military companies and security companies (PMCs/PSCs) in situations of armed conflict and examines the **regulatory framework** at national, European and international levels, with a view to ensuring improved compliance with international humanitarian law and human rights.

PRIV-WAR working papers on the EU

- The Potential Impact of National-Level or EU-Level Regulation on PMSC Activities / Adam White, EUI Working paper, 2010, 17 p.

The aim of this paper is to assess the potential impact of national-level or EU-level regulation on the international activities of private military security companies

(PMSCs). It will do this by first examining the actual impact of national-level regulation of the domestic activities of PMSCs in the UK. It will then build upon this analysis to make observations about the potential impact of national level and EU-level regulation on the international activities of PMSCs.

- EU Operations and Private Military Contractors: Issues of Corporate and Institutional Responsibility / Nigel D. White and Sorcha Macleod, EUI Working paper, 2009, 26 p.

With national militaries being rationalized and contracted the EU will inevitably follow the lead of the US, the UK, and the UN and start to use Private Military Contractors to undertake some of the functions of peace operations. This article explores the consequences of this trend from the perspective of the accountability and responsibility of both the corporation and the institution when the employees of PMCs commit violations of human rights law and, if applicable, international humanitarian law.

- The Regulatory context of private military and security services at the European Union level / Guido Den Dekker, Utrecht University, PRIV-WAR project, April 2009, 24 p.

At the EU level there are as yet no specific laws or regulations with respect to the private military and security industry, as can be concluded from several studies. The working hypothesis for this report suggests that the EU role is currently unsatisfactory. Considering the focus of the PRIV-WAR project, the main question is how the EU can contribute to ensuring compliance with international humanitarian law (IHL) and human rights law by PMCs/PSCs (-employees).

See also Addendum

- Human Rights and International Humanitarian Law in the Common security and defence policy: Legal framework and perspectives for PMSC regulation / Valentina Falco, EUI Working paper, 2009, 31 p.

The actual and potential role of private military and security companies (PMSCs) within the European Union's crisis-management operations make it crucial to clarify the legal framework in which their personnel must operate. This is all the more true with respect to their obligations under human rights law (HRL) and international humanitarian law (IHL), in order to prevent possible violations of these legal regimes by private contractors in the context of EU-led civilian and military missions.

- List of all PRIV-WAR Working Papers

Analysis

- Private Military & Security Companies: Future Challenges in Security Governance / Anne-Marie Buzatu, Benjamin S. Buckland, DCAF, 2010, 93 p.

This paper will take a look at future trends in the international private security sector, beginning with an overview of some of the emerging private threats impacting the security sector today. This will be followed by a brief analysis of some of the challenges and opportunities posed by these actors to the security sector today and beyond. Finally, the paper will finish with some recommendations for responses to these challenges.

- The Increasing Role of Private Military and Security Companies / Alyson J. K. Bailes and Caroline Holmqvist, ISIS Europe, EP Policy Department External Policies, October 2007, 31 p.

The EU might wish to address the issue of private military companies (PMCs) and private security companies (PSCs), either because of concern over possible abuses by PMCs/PSCs operating out of EU territory, or in view of the potential efficiency of this device for common defence and security aims - or both.

- Regulating Private Security Companies in Europe / Hans Born, Marina Caparini and Eden Cole, DCAF, 01/01/2007, 48 p.

This study, mandated and receiving support from the Council of Europe (CoE) focuses on the rapidly expanding field of private security in CoE member States.

- Private Actors and Security Governance/ Alan Bryden and Marina Caparini (eds.) DCAF, 01/01/2006, 328 p.

This volume situates security privatisation within a broader policy framework, considers several relevant national and regional contexts and analyses different modes of regulation and control relating to a phenomenon with deep historical roots but also strong links to more recent trends of globalisation and trans-nationalisation.

- European Security and Private Military Companies: The Prospects for Privatized "Battlegroups" / James K. Wither, PfP Consortium Quarterly Journal Summer 2005, 20 p.

This paper explores the prospects for supplementing or even substituting EU national military forces with Private Military Companies (PMCs) in an expeditionary role. The author examines the potential role of PMCs in both training functions and combat activities. The paper argues that the military capabilities of EU national armies do not live up to the challenges posed by the early 21st century security environment.

Stakeholder views

- INTERNATIONAL : International Code of Conduct for Private Security Service Providers / DCAF, 9 November 2010

The CoC articulates standards for private service providers in accordance with international humanitarian law and international human rights standards. In 2010 close to 60 private security providers signed the International CoC.

- EUROPE : Confederation of European Security Services (CoEES)

The purpose of CoEES is to ensure in Europe the defence of the interests of the organisations and national companies that provide security services in all their forms and to represent these joint interests.

See White Book – ‘Private security in Belgium; an inspiration for Europe?’, 2010, 52 p.

And list of all Studies

- UK: British Association of Private Security Companies (BAPSC)

BAPSC works to promote the interests and regulate the activities of UK based firms that provide armed defensive security services in countries outside the UK.

- NGOs & PMSCs : Private security providers and services in humanitarian operations, Briefing paper - HPG Policy Briefs 33, January 2009

A 2008 global survey of aid organisations conducted for this research revealed that the contracting of certain security functions to external professionals has become increasingly common among humanitarian operations worldwide.

Books

- War by Contract: Human Rights, Humanitarian Law, and Private Contractors / Edited by Francesco Francioni and Natalino Ronzitti, Oxford University Press, 576 pages, 978-0-19-960455-5, published 13 January 2011.

This book provides a comprehensive analysis of the application of human rights and international humanitarian law to the work of private military and security companies. Authors address questions of a highly topical nature, such as the use of private contractors in the fight against piracy, the accountability and criminal and civil liability of such contractors, and remedies available to victims.

On the EU

4: *Ieva Kalnina and Ugis Zeltins: The Impact of the EU Human Rights System on Operations of Private Military and Security Companies*

15: *Valentina Falco: Private Military and Security Companies and the EU's Crisis Management: Perspectives under Human Rights and International Humanitarian Law.*

Book has been ordered, not available yet

- Security Beyond the State: Private Security in International Politics / by Rita Abrahamsen, Michael C. Williams, Cambridge University Press, 9780521764711, 280 pages, 2010.

This book maps the emergence of the global private security sector and develops a novel analytical framework for understanding these global security assemblages. Through in-depth examinations of four African countries - Kenya, Nigeria, Sierra Leone and South Africa - it demonstrates how global security assemblages affect the distribution of social power, the dynamics of state stability, and the operations of the international political economy, with significant implications for who gets secured and how in a global era.

Book available via Commission's Library

- Private military and security companies: ethics, policies and civil-military relations / Alexandra, Andrew; Baker, Deane-Peter ; Caparini, Marina; London: Routledge, ISBN 9780415432757, 274 p., 2008.

This book provides an interdisciplinary overview of PMCs: what they are, why they have emerged in their current form, how they operate, their current and likely future military, political, social and economic impact, and the moral and legal constraints that do and should apply to their operations. It is divided into two sections: normative/ethical issues raised by the development of PMCs function and regulation, and their relationships with other institutions.

Book available in the EP Library

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