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## NGOs and the price of governance: the trade-offs between regulating and criticizing private military and security companies

Jutta Joachim<sup>a\*</sup> and Andrea Schneider<sup>b</sup>

<sup>a</sup>*Institute of Political Science, Leibniz University Hannover, Schneiderberg 50, 30167 Hannover, Germany;* <sup>b</sup>*University of Siegen, Social Sciences, Adolf-Reichwein-Str. 2, 57068 Siegen, Germany*

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The privatization of security involving the transfer of tasks of military and police-related services to private military and security companies (PMSCs) is becoming increasingly important, but it has also been subject to criticism in academic and policy circles. In this paper, we examine the position of non-governmental organizations (NGOs) in the two Organisation for Economic Co-operation and Development (OECD) countries where the majority of PMSCs are based: the United States and the United Kingdom. Using the concept of framing and drawing on interviews as well as an analysis of documents, we find the conventional view of NGOs as either passive objects of government and governance or as the moral voice of society in opposition to governments ill-fitting. Instead, their behaviour with respect to PMSCs is much more ambivalent and reflective of a broader shift within the security realm towards neoliberal governmentality and a normalization of private security. By taking part in multi-stakeholder dialogues about rules and norms for PMSCs, NGOs not only contribute to the regulation of the security industry but also circumscribe their own ability and that of non-participating NGOs to criticize and contest ongoing developments.

**Keywords:** security; governmentality; NGOs; private military and security companies

### 1. Introduction

In the context of structural changes such as globalization, privatization, deregulation, new technologies, and the end of the Cold War, non-state actors have gained in power and authority (Avant, Finnemore, and Sell 2010, 4–6) and increasingly take part in transnational private governance processes (Graz and Nölke 2008). The joint participation of both private corporations and civil society actors in non-hierarchical modes of governance such as multi-stakeholder processes lends force to this observation and is the departure point of this paper. In the governance literature, this type of interaction is often considered

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\*Corresponding author. Email: [joachim@ipw.uni-hannover.de](mailto:joachim@ipw.uni-hannover.de)

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a win–win situation for all of the actors involved. Non-governmental organizations (NGOs), so the assumption is, can not only influence standard-setting procedures, but also “bring the necessary legitimacy [...] to multi-stakeholder standard-setting” processes (Boström and Hallström 2010, 44). The consequences of such dialogues for the individual NGOs have thus far, however, rarely been discussed.

Focusing on the privatization of security and having studied 17 NGOs from the United Kingdom and the United States, we suggest that involvement in the regulation of private military and security companies (PMSCs) has profound and constraining effects on the involved NGOs. At the same time as NGOs define rules and behavioural codices for PMSCs, their own behaviour is regulated and their freedom of expression is circumscribed. They become “insider groups” (Willetts 2011, 20) and are no longer able to openly confront and criticize PMSCs. Instead, they assume the role of think tanks or consultants. Moreover, by defining what constitutes a legitimate understanding of the privatization of security and a legitimate response to PMSCs, the actions and discourses of mostly larger, well-resourced NGOs participating in governance processes impinge upon and discredit civil society organizations that deliberately choose to stay away. This behaviour seems at odds with what both the NGO literature and the self-professed statements of NGOs would lead us to expect. While international relations (IR) scholars frequently characterize these organizations as vocal guardians of international human rights norms, ready to stand up against and openly criticize potential perpetrators, NGOs themselves assert that they “scrupulously investigate [human rights] abuses, expose the facts widely, and pressure those with power to respect rights and secure justice” (Human Rights Watch 2015). They “advocate... for binding corporate accountability frameworks, particularly the development of international norms on the human rights responsibilities of companies” (RAID 2015). Granted the NGOs we examined and interviewed regard the impact of PMSCs with respect to, for example, human rights as “pretty major and fundamental” and worry because “the rules and norms of war and peace are changing as a result of their involvement” (Interview 26 June 2012); there is, as many of them readily admit “really a dearth of activism on this [the issue of PMSCs]” (Interview 15 May 2012), with many of them assuming that these companies are here to stay.

We suggest that the reactions of NGOs with respect to PMSCs are indicative of a broader shift within the security realm to which Leander and van Munster, drawing on the work of Foucault, refer as “neo-liberal governmentality” (Leander and van Munster 2007, 201–16), and Abrahamsen and Williams conceive of as a substantial transformation in the form and exercise of public as well as private power. We show that the transfer of formerly police and military tasks from states to PMSCs, and the introduction of an economic calculus into matters related to security (Abrahamsen and Williams 2007, 132), are not the sole sources of these changes. In addition to state militaries and PMSCs civil-society actors are directly implicated in these ongoing developments. As knowledge-producing actors and experts, NGOs contribute to the transformation of what security means, but are also “an expression of a changing logic or rationality of government (defined as power)” (Sending and Neumann 2006, 652). They are, as Sending and Neumann observe, “both an object and a subject of government” (2006, 652). At the same time as NGOs participate in governance processes to regulate PMSCs, they also regulate their own behaviour, hence are governed, by defining what constitutes an (il-)legitimate response to the privatization of security.

The remainder of this paper is divided into three parts. We first elaborate on the concepts of (neoliberal) governmentality (including the role NGOs play in it) and how a shift in this governing logic can be captured with the heuristic tool of framing. Subsequently, we then explain the selection of our sample and our methodology. In the

analysis that follows in the third part, we detail the ways in which these organizations are as much a subject of governance as they are an object of governance, because of their expertise and ability to responsibly channel political will-formation.

## 2. (Neo-liberal) governmentality and framing

Owing primarily to the critical turn, Foucault's concept of "governmentality" has received growing attention from IR scholars in recent years. Directing our focus as it does to "the political rationalities and techniques of the organization and exercise of power" (Merlingen 2003, 361), it is, according to Leander and van Munster (2007, 204), particularly useful in capturing the transformations that are taking place in security governance, where activities are relocated "from the public realm to the market by means of direct privatization, public-private partnerships, outsourcing, the creation of new markets, the making of internal markets and the establishment of conditions for competitive success".

With respect to issues related to security, IR scholars have used the governmentality concept to make visible and better comprehend processes of (in)securitization (Bigo 2008, 126–7), but have also applied it in research on policing (Loader 2000) and risk (Aradau and van Munster 2007). Quite a few have employed the concept to provide an understanding of the privatization of security other than one based on cost-benefit analysis, suggesting that "governance is no longer merely about [...] direct social control, coercion and discipline; it is also about the production and constitution of social subjects through systems of knowledge and social practices" (Abrahamsen and Williams 2011, 66). Garland (2002), for example, conceives of the privatization of security as being reflective of an increasing move towards a "responsibilization" of the individual and a shift towards what Abrahamsen and Williams, citing Garland, refer to as a "liberal mode of government whereby the powers of private actors are enlisted" in strategies of "rule at a distance" (Abrahamsen and Williams 2007, 136). Leander and van Munster, using Darfur as a case in point, also stress the neoliberal character of governmentality in the security realm. In their eyes, it privileges private contractors because "public debate is narrowly focus[ed] on the technicalities and costs of military solutions, while alternative political options, local knowledge and diplomatic alternatives become marginalized" (Leander and van Munster 2007, 201).

We draw on this literature and conceive of governmentality as a useful lens to understand the political nature of processes of security privatization. Yet, rather than examining the role of PMSCs (Joachim and Schneiker 2012; Berndtsson 2012; Cutler 2010) or the consequences for states and their monopoly of force (Avant 2005; Krahmann 2010), as has already been done, we are interested in how NGOs, as one type of representative of civil society, are involved in the ongoing shift. Taking a closer look at NGOs will help us to unravel how far outward governmentality extends into society. More precisely and as Sending and Neumann (2006, 657) note, with a governmentality perspective, we are apt to learn, first, more about both governance as a process and the different practices involved, and second, the "mentality" – the rationality characteristic of the systematic thinking, reflection, and knowledge that is integral to different modes of governing".

Since power, according to this perspective, is exercised discursively and through political rationalities, we employ framing as a heuristic device to capture the different ways in which NGOs approach the issue of PMSCs. Because frames provide "guideposts for knowing, analysing, persuading, and acting" (Rein and Schön 1991, 263), they contribute to the "construction of individuals or groups as social actors in a particular field" (Surel 2000, 500). They legitimate some actors or forms of political action while

discrediting others (Surel 2000, 499) by defining who is or what aspects are in line with a frame and thus are “in frame”, and which ones are excluded and thus are “out of frame”. Applied to the case at hand, NGOs frame the debate about PMSCs and private security by making claims about what has to be governed, by engaging in certain types of politics and by proposing regulatory policies.

In line with Snow and Benford, we distinguish between *diagnostic* and *prognostic framing* (Snow and Benford 1988, 199–201) to determine (1) what counts as a problem and what is perceived as its origin (Snow and Benford 1988, 200; Boin, Hart, and McConnell 2009, 87f.), (2) who are the designated “culpable agents” who are to “blame for some problematic event or condition” (Wright 2009, 191), and (3) appropriate solutions to the problem as well as “strategies, tactics, and targets” to raise awareness (Snow and Benford 1988, 201). While the different frames are often tightly linked and therefore difficult to separate from each other, we differentiate them here for analytical purposes. This not only allows us to examine whether and to what extent the stances of NGOs are coherent, but also provides an understanding as to why these organizations may in terms of their prognostic framing abstain from shaming and outright criticizing PMSCs when they consider the contracting through governments as ultimately responsible, or why they might opt against a symbolic campaign because the services that the companies offer are not comparable to products that consumers can boycott. While different, both types of frames – diagnostic and prognostic – are nevertheless constructed in the same way by means of language and action. Most of the time, NGOs lend force to their words and interpretations and seek to mobilize people by engaging in symbolic, information, accountability, or leverage politics (Keck and Sikkink 1998).

Before we turn to our analysis, a few words about methods. We analysed a sample of 17 NGOs in the United States and the United Kingdom. The NGOs are representative of organizations which work on PMSCs, and the prior two countries where they are headquartered constitute large, if not the largest, markets for transnational PMSCs in the Organisation for Economic Co-operation and Development (OECD) world: Amnesty International USA (AIUSA), the Business & Human Rights Resource Centre, the Center for Constitutional Rights (CCR), Codepink, CorpWatch, the Campaign Against Arms Trade (CAAT), the Fund for Peace, the Global Policy Forum, Human Rights First (HRF), Human Rights Watch (HRW), International Alert, Omega Research, the Project on Government Oversight (POGO), Rights & Accountability in Development (RAID), Saferworld, War on Want, and War Resisters International. These NGOs were selected because they are all concerned with the issue of PMSCs, but engage with the topic in different ways, with some (1) participating in processes to govern PMSCs by, for example, publishing policy papers on the issue (e.g. Saferworld, International Alert), and resembling think tanks; (2) actively taking part in multi-stakeholder processes intended to regulate PMSCs (Amnesty International, Human Rights First, Human Rights Watch); and (3) refraining from involving themselves in such processes (Codepink, War on Want).

We conducted semi-structured interviews with 13 current and, in some cases, former representatives of the NGOs, and analysed scripts using qualitative content analysis. In addition, we studied the websites, publications, and statements of the 17 NGOs. Our analysis was informed by two main questions. First, how do NGOs conceive of PMSCs (that is, how do they define what has to be governed), what problems do they identify, and who do they think is responsible for them? Second, in terms of prognostic framing, what do the different NGOs do with respect to PMSCs – that is, what type of politics do they engage in and what do they propose should be done to govern PMSCs? We conducted,

read, and analysed the interviews, cognizant that the NGOs and, thus, the NGO representatives we talked to, are not neutral or external actors but rather are part of governing and governance processes.

### 3. Framing PMSCs and the privatization of security

NGOs are quite frequently referred to in the IR literature as moral authorities, due to their professed neutrality, principled beliefs, and expertise (Avant, Finnemore, and Sell 2010, 13). By virtue of their role as a moral voice, generally ascribed to NGOs and one that many of the organizations claim for themselves, we would anticipate NGOs to if not outright contest then critically discuss privatized security because of the multiple problems associated with it, including human rights violations or fraud. While they do to some extent, the respective NGOs also contribute to the legitimacy of PMSCs through the ways in which they apply their expertise.

#### 3.1. Diagnostic framing: defining the problem (if there is one)

The diagnostic framing of the NGOs we studied and whose representatives we interviewed is not only indicative of “the rationality characteristic of the systematic thinking, reflection, and knowledge that is integral to different modes of governing” and that Sending and Neumann (2006, 657) refer to as “mentality”, it also speaks to the bind of being governor and being governed at the same time (Sending and Neumann 2006). Only a few select, smaller campaigning organizations contest and oppose the involvement of PMSCs in the delivery of security as such, while most of the larger organizations, whether think tank-like or participants in multi-stakeholder processes, call for their regulation, pointing to scandals and human rights violations involving PMSCs and the changing nature of war.

With respect to the problem, most of the NGO representatives we interviewed, regardless of whether or not they work for NGOs that take part in multi-stakeholder processes to regulate PMSCs, were of the opinion that the delegation of military and police-related tasks to private companies, and their involvement in conflict zones, is highly worrisome, involving as it does a “major set of issues” (Interview 26 June 2012) and raising a fundamental question of “what kinds of activities should be held in the hands of governments” (Interview 12 June 2012). When asked about the problems related to private security, the majority of NGOs we studied pointed out the violations of human rights committed by the employees of PMSCs in conflict zones. As one of our interviewees put it,

It's an enormous business, and the impacts that they [PMSCs] have on human rights are about as fundamental as they get. [...] It is either potential loss of life or severe bodily harm. It goes to personal security and integrity and this not just at the individual level, but also at the community level. It also involves in some cases access to resources and the like. So it is a pretty major set of issues and fundamental human rights concerns are implicated. (Interview 26 June 2012)

For NGOs, incidents and scandals such as the Nisour Square massacre in Iraq in 2007, involving Blackwater employees, and the torture in the Abu Ghraib prison by PMSC employees (e.g. Interviews 15 May 2012; 13 June 2012; 11 July 2012), along with the “systematic failure to hold contractors accountable for acts of violence and abuse” (HRF



2008c; see also HRF 2008d; AIUSA 2008a, 2008b, 2010a; CCR 2010) are reasons to become involved in the governing of PMSCs. Human Rights First even considers the incident in Iraq a “wake-up call to the United States and the world on the need to make sure private contractors can be, and are, held accountable for serious crimes abroad” (HRF 2008a, 1).

NGOs also worry about the negative impact contractors and their actions might have on their country’s foreign policy. Human Rights First, for example, blames PMSCs for having “undermined US military efforts in Iraq and Afghanistan; damaged US counterterrorism efforts throughout the world; and diminished the United States’ reputation as a world leader in human rights” (HRF 2008b, 1). Their chief executive officer goes even further, suggesting that “[a]t stake is our integrity as a nation committed to the rule of law” (HRF 2008c). These quotes show that even though NGOs declare that they seek to ensure the protection of human rights, they nevertheless refrain from blaming the perpetrators outright. Instead, they assign responsibility to those who allow human rights violations to happen and do not prosecute them. In fact, human rights appear to even be pushed into the back seat. In the UK, International Alert, for example, points to potentially negative effects of PMSCs on the “achievement of UK foreign policy objectives” (Beyani and Lilly 2001, 1), and the representative of one NGO stressed the potential risk that private contractors may “have an impact on the strategic objectives of any which type of foreign policy deployment” (Interview 13 February 2012). These are statements one would more readily expect from governmental officials, but less from NGOs. They are also surprising in light of the fundamental changes in society that these organizations consider PMSCs responsible for and which in their eyes require a broader debate. As one interviewee working for an NGO that participates in multi-stakeholder processes to regulate PMSCs explains, “[w]ith the involvement of corporate actors becoming involved in conflict zones, it is becoming increasingly unclear what exactly the rules are and who’s responsible and accountable. So it’s imperative that NGOs be part of that dialogue and debate” (Interview 26 June 2012; see also Interview 27 February 2012). This was echoed by another NGO representative, according to whom the real question about privatized security is what it means “for that last bastion of sovereignty where the state traditionally is the primary actor”, which requires a societal debate that “goes back to Weberian social theory about how the state should be organized and the monopoly on the use of force” (Interview 13 February 2012). Statements such as these and the diagnostic frames they constitute reveal the subjectivity of NGOs in governance processes. The organizations involved draw attention to unacceptable conditions. Nevertheless, they also show that NGOs conceive of themselves as objects powerless to respond to ongoing developments, due to structural constraints.

For issues to acquire attention, they must, according to Keck and Sikkink, be “converted into a ‘causal story’ that establishes who bears responsibility or guilt” (Keck and Sikkink 1998, 27). Moreover, “the causal chain needs to be sufficiently short and clear to make the case convincing” (Keck and Sikkink 1998, 27). In the case of PMSCs, this is a problem and a reason for many NGOs to refrain from launching campaigns against them. Many interviewees cited the lack of transparency within the industry and the lack of specific knowledge about the companies that governments contract, which make it nearly impossible for NGOs to identify “chains of command”, to assign responsibility (Interview 27 February 2012), and, thus, to designate “culpable agents” (Wright 2009, 191). With respect to this point, an NGO representative noted that the incidences involving PMSCs happen far away and in secrecy, and thus constitute an additional hurdle (Interview 27 February 2012):

It is hard for NGOs to find out about [what happens], and the NGOs that may be working in the areas, where some of the private security companies are active, need to build up a range of contacts [to] give you the information you might need to have an effective campaign. This is quite hard. So you almost, then, just have to wait for an incident.

Related to the opaqueness of contracts, several representatives of NGOs also identified the heterogeneity of PMSCs as a barrier to clearly saying who is at fault. Unlike with companies such as Nike or Nestlé, there is not really a product that could be boycotted (Interview 17 February 2012). These problems help to explain why NGOs, when they address the issue at all, often choose to focus on human rights problems. It allows them to connect the actions of PMSCs to the fate of the individual and elicit an emotional reaction from their targets (Keck and Sikkink 1998). In these cases, NGOs, then, tend to zoom in “on the isolated scandal, on the ‘bad eggs in the basket’” (Leander 2010, 475), providing detailed reports about the victims. Yet these NGOs seemed to be in the minority in our sample.

Instead, many of the representatives did not question the involvement of PMSCs in the delivery of security per se, but conceived of them as actors that NGOs and societies in general will have to live with. By assuming this position, we argue, they contribute to the depoliticization of private security:

they [PMSCs] are filling a void, which is not being able to be taken care of by [...] public security. It is not a normative question whether they are good or bad. It is that there are no adequate alternatives. [...] It is simply a phenomenon of the current security environment, in which we are living [...] and in spite of the negatives, this is not a phenomenon that is going to pass away. So it is rather something that we as societies have to learn to cope with [...]. (Interview 13 February 2012)

While few of our interviewees were as explicit and discarded, as one NGO representative did, a “normative discussion” with respect to PMSCs as being “very harmful” (Interview 13 February 2012), several of them were, however, of the opinion that “privatization of security is [...] not going to go away anytime soon” (Interview 13 June 2012). The overall political and economic climate it produces was, according to them, a reason why many NGOs were reluctant to take action, and why especially “more pragmatic NGOs [...] accept the existence of privatization in security and basically work within that paradigm” (Interview 13 June 2012; see also Interviews 26 June 2012; 11 July 2012). Explanations such as these lend force not only to Leander, who observes that, “[t]he assumption that market actors are generally efficient makes it difficult to articulate critique” (Leander 2010, 476–7), but also to Leander and van Munster (2007, 206) who suggest that “the trend in the security field to frame security provision as a matter of responsibility best taken on by private actors” contributes to the acceptance of PMSCs “as a caste of new security experts”. As one of our interview partners stated, “the neo-liberal ideology” in the US, and the belief “that the private sector can do many of these jobs cheaper and more effectively than the government can” (Interview 12 June 2012), was a major reason why “a lot of organizations are actually cutting back [...] rather than increasing [their work on PMSCs]” (Interview 10 January 2012).

The political climate was also considered an impediment to action by NGOs, involved in the implementation and delivery of goods and which have, as one respondent put it, “their hands full with delivering humanitarian aid, kind of doing actual programme” (Interview 27 February 2012). Afraid of losing their donors, they refrain from openly criticizing governments for employing PMSCs or for doing too little with respect to



oversight of the industry. They “don’t want to rock the boat, [because they] are getting government contracts to deliver aid” (Interview 27 February 2012; see also Interview 28 August 2012). Nonetheless, non-operational NGOs are faced with this dilemma as well:

It’s just that there are a small numbers of NGOs ready to take up this issue – we are one of them. But let’s just say that funders are not lining up at our door to give us money. Because a lot of people don’t like some of these issues that we take up. So, yeah, ideally, I would be very keen to continue doing work on this. (Interview 28 August 2012)

However, it is not just their dependency on governmental contracts and financial support that causes NGOs to remain silent, but increasingly also their dependency on PMSCs for protection (Interview 28 August 2012). Quite a number of studies published in recent years have documented that humanitarian NGOs are faced with rising insecurity in the regions in which they work (Stoddard, Harmer, and Haver 2012). As one interviewee explained,

I think that many in the NGO community have come to the unfortunate realization over the last decade or so that simply being an NGO is not protection enough. And so many organizations that are operating in those spaces will employ security to protect their staff. (Interview 13 June 2012; see also Interview 10 January 2012; Cockayne 2006; Stoddard, Harmer, and DiDomenico 2008)

From a governmentality perspective, the reasons that NGOs provided help us to understand why only a few of them use blaming and shaming as a strategy with respect to (particular) PMSCs, or refer to them, as is common in the media, as mercenaries. Unlike Codepink, which refers to the company formerly known as Blackwater, now Academi, as a “mercenary company that has become known as Murder, Inc.” (Benjamin, as quoted in Codepink 2007), think tank-like NGOs such as Saferworld or International Alert (Page et al. 2005; xiff.; Beyani and Lilly 2001; Lilly and International Alert 2002) conceive of PMSCs as distinct from “war profiteer[s]” (CorpWatch 2004, 22). While, according to International Alert, this distinction is not always clear cut, “[a] clear understanding of the actors involved in the export of military services is a necessary prerequisite for the formulation of legislation” (Beyani and Lilly 2001, 15). The reasons of NGOs to refrain from stronger language may be varied and have to do with, among other things, their dependence on donors and PMSCs or the intransparency of the industry and the heterogeneity of companies. Nevertheless, the labels that NGOs do choose do not challenge the existence of PMSCs as such, and do not question the nature of the companies. Instead, the NGOs we studied justify – as, for example, does War on Want – the use of the expression *private military and security companies* with the argument that the term “is increasingly being used by the United Nations and by UK government officials, and is fast becoming the standard terminology” (Mathieu and Dearden 2006). Hence, rather than assuming a critical stance and introducing an alternative or oppositional frame, as NGOs have been shown to do in other policy fields, such as women’s rights or the environment, those in our sample are more apt to orient themselves and align their frames with governments or international governmental organizations. In one of its publications, Human Rights First explains: “Some companies in the PSC industry [...] identify themselves as PSCs (Private Security Company), but no serious analysis can turn on company self-identification” (HRF 2008d, 1). The NGO nevertheless uses the expression, but claims to “use [...] an essentially functional definition of the term” (HRF 2008d, 1). By affirming official discourses regarding PMSCs, NGOs contribute to

depoliticization, something we would not expect, and which seems antithetical to their self-professed role and descriptions in the NGO literature where civil society organizations are most often argued to aim for and accomplish the opposite, i.e. politicization.

Their behaviour might be explained by the involvement of NGOs in multi-stakeholder processes. As Boström and Hallström note: “Within multi-stakeholder standard-setting, the various categories of stakeholder groups must collaborate if the larger unit is to be effective”. Seen this way, NGOs must “establish[...] and coordinat[e] common viewpoints with stakeholders from *other* categories of actors” which “requires cognitive power: the capability and skill to develop arguments using various framing–bridging techniques, including some degree of compromising attitude; preparedness for negotiation; awareness of others’ viewpoints, concerns, and ideologies; and, not least, willingness to offer or bracket some of one’s own viewpoints and concerns” (Boström and Hallström 2010, 47, emphasis in original).

The ways in which NGOs conceive of PMSCs and the privatization of security highlight how the respective civil society organizations are constrained by structural dependencies, such as governmental funding or protection through PMSCs; how they are both subjects as well as objects of governance processes; and how they “underwrite [...] the governmentality in terms of [their] thinking and knowledge” (Sending and Neumann 2006, 663). Their statements make apparent that the normalization of private security is not just something that NGOs feel powerless against, and which prevents them from launching campaigns, but that it is also a societal process to which they contribute through their discourses and actions.

### 3.2. *Prognostic framing: regulating, cooperating, or opposing PMSCs?*

The deployment of knowledge and expertise plays an important part in governance processes (Bryant 2002, 282), which is why scholars interested in the privatization of security, such as Abrahamsen and Williams (2011, 80), conceive of private security actors as “increasingly ‘knowledge’ organizations”. This also applies to NGOs, which use their expertise to engage in prognostic framing not only discursively but also through their actions, such as monitoring or participating in multi-stakeholder processes (Boström and Hallström 2010). Through their framing, we argue, they not only assist governments in regulating PMSCs, and by doing so lend legitimacy to the private delivery of security, but also regulate themselves and their peers.

The most-favoured strategy of NGOs appears to be information politics (Keck and Sikkink 1998), with NGOs occasionally issuing reports or fact sheets about PMSCs (e.g. Amnesty International USA, the Center for Constitutional Rights, Campaign Against Arms Trade, Business & Human Rights Resource Centre, CorpWatch, Human Rights First), or posting newspaper articles related to PMSCs on their websites. In the United Kingdom, NGOs have actively advanced proposals for regulation. The Corporate Responsibility Coalition (CORE), founded in 2001 and consisting of 130 NGOs, for example, has called for the establishment of a new dispute-resolution body, which would receive, investigate, and settle complaints against British PMSC parent companies relating to subsidiary or supplier abuse in other countries (CORE 2009). Rather than opposing PMSCs outright, in particular the more pragmatic NGOs and those that conceive of themselves as think tank-like organizations involved in the production of knowledge “essentially try to ensure the ethical use of it [i.e. private security]” (Interview 13 June 2012). In this context, an interviewee explained that his organization

doesn't have a policy in any way against privatizing what we might perceive as being traditional state functions. What matters to [us] is kind of from a very pragmatic perspective, what are the impacts? [...] We wouldn't say "there's a problem with private provision of security per se". What we'd say is "We need to make sure that the private provision of security isn't resulting in, you know, a worse human rights situation. (Interview 15 May 2012; see also Interview 26 April 2012)

This position is very much akin to that of the British government which, conceiving of the PMSC industry as "essential, inevitable and international" (Foreign and Commonwealth Office 2009, 5) and only in need of high standards of PMSC conduct, engaged in consultations with stakeholders and interested parties in 2009 about the regulation of PMSCs in the form of a "composite package" combining domestic and international measures (Joachim 2010, 15). Some of the same NGOs that were engaged in these consultations also participate in multiple multi-stakeholder dialogues aimed at establishing a regulatory framework for PMSCs on a regular and institutionalized basis at the international level. Representatives of Amnesty International, for example, took part in regional workshops related to the "Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict" (DCAF 2011), while staff of Amnesty International USA regularly attended the multi-stakeholder process to set up ANSI/ASIS national standards providing

auditable criteria for quality assurance of Private Security Company (PSC) operations and services, consistent with pertinent legal and human rights obligations and good practices recognized in the Montreux Document and the International Code of Conduct for Private Security Service Providers. (Private Security Monitor 2013)

It also participated actively in meetings of the working group formulating the standard (e.g. ASIS 2011a, 2011b, 2011c). Along with representatives of states and the PMSC industry, staff of Human Rights First and Human Rights Watch have been members of the temporary steering committee of the International Code of Conduct for Private Security Service Providers (ICoC 2013), while RAID and the Global Policy Forum (GPF) also participated in consultation processes leading to the ICoC, and in the ICoC itself (Open Briefing 2013, 1, 5). In addition to their actions, NGOs lend legitimacy to privatization also discursively.

NGOs participating in multi-stakeholder dialogues cite changes in the security industry to justify their actions. As one interviewee put it, "I [...] think that the security industry itself has matured and [...] has become a lot more professional" (Interview 13 June 2012), an impression which appears to be shared by others:

in terms of the kind of large American security providers, forget the kind of shadowy fly-by-night companies that existed for a while [...], at least with the bigger, more established companies we got the sense that [...] there was a willingness at least to engage with us, to an awareness of the kind of human rights effects they could have [...], a desire to, frankly, try to figure out how to address their human rights problems. (Interview 15 May 2012)

As early as 2002, International Alert regarded the excessive focus on the more scandalous cases of PMSCs as unfortunate because the number of incidents where companies were involved in combat operations was "limited", a "one-off phenomenon", "the result of a particular set of historical factors", which, given pressure from the international community, will not be "allowed [...] to continue" (Lilly and International

Alert 2002, 3). Furthermore, some NGOs claim to have a better understanding of PMSCs than other actors, including other NGOs, but also we as researchers. One interviewee from one NGO that participates in multi-stakeholder dialogues complained,

I think there's a lot of misperceptions about the industry from people who never really engage with it, that [...] yes, they had a slew of human rights violations, a slew of human rights problems, we're very aware of those, but at least they were willing, it seemed to me, willing to address it, both in terms of their internal processes and policies and also the external regulatory environment. (Interview 15 May 2012)

As result of the changes in the industry, some of the bigger organizations can conceive it being possible for PMSCs to take part in global security governance. For example, based on a study of the role of PMSCs in security sector reforms (Richards and Smith 2007), and two reports on PMSCs and the proliferation of small weapons (Makki et al. 2001; Page et al. 2005), the British NGO Saferworld concludes that PMSCs could make "a valuable contribution to the provision of security" (Richards and Smith 2007, 28), if only they were more effectively regulated. Statements such as this are indicative of a more conciliatory stance towards the security industry and on the basis of which NGOs belonging to this group distance themselves from those that openly oppose the privatization of security and PMSCs (Interview 15 May 2012; Interview 13 June 2012), such as Codepink, the Center for Constitutional Rights, CorpWatch, and War Resisters International, and from their actions. While the Center for Constitutional Rights opposes privatizing security altogether, Codepink insisted that the US government terminate all contracts it maintained with Blackwater and to increase its own personnel, who can be held accountable (Codepink 2007). CorpWatch demands that "war profiteering" should be punished (CorpWatch 2004, 22, 2005, 26, 2007, 23) and, like Codepink, calls on the government to terminate its contracts with Halliburton in Iraq (CorpWatch 2005, 26, 2007, 23). All four NGOs use rather aggressive vocabulary to lend force to their diagnostic and prognostic frames.

NGOs which are more accepting of PMSCs and which participate in multi-stakeholder dialogues, by comparison, consider such initiatives to be "a little amateurish", not based on a good understanding or "sound analysis of the industry" (Interview 15 May 2012), and deem expressions such as "mercenary" ill suited and "a kind of reactionary term" (Interview 15 May 2012). Several NGO representatives we interviewed were particularly critical of Codepink, and considered what it does "not like serious strategic advocacy" (Interview 15 May 2012) or not what "many NGOs or many civil society groups [...] would really be entirely comfortable" (Interview 13 June 2012) with. Some interviewees even went so far to question whether the organization should be considered an NGO at all (e.g. Interview 13 June 2012). While it is debatable whether differences of this kind are more fundamental in nature or can be exclusively attributed to disagreements with respect to PMSCs per se, the NGO literature has shown in an ample fashion that such conflicts are most likely to erupt on controversial subjects. Moreover, they make apparent the many and ambivalent faces of governance, and that a one-sided view of NGOs as critical voices is insufficient and neglects the way in which they reinforce discursively the normalization of trends they might otherwise, and in the absence of their dependency on funding or protection, be opposed to. Yet, at the same time as NGOs are key subjects in governmental tasks, they also regulate the conduct of their own peers which are objectified, reined in, and faced with sanctions if they seek to escape the governmentality logic. But even those NGOs involved in the governing of others become objects of governance and

are being disciplined. Insofar as this, these dynamics call into question a commonly held assumption in the governance literature that multi-stakeholder processes are inclusive institutions. While the participation of different actors may lead to that conclusion, the previous and following statements reveal that the question of who is in and who is out is not necessarily a matter of choice, but the result of discursive practices and power.

The reasons for participation in such processes stem not entirely from principled commitment, as one interviewee whose NGOs is involved in a multi-stakeholder initiative to regulate PMSCs explained:

at the end of the day most of us would much prefer to see governments regulating these issues instead of it being left to these kinds of voluntary initiatives [...] the reason that we became involved with it is basically because [...] there is this kind of trend over the last several years towards setting up, to some degree in place of government regulation [...] multi-stakeholder initiatives [...]. (Interview 26 April 2012)

Some NGOs even consider participation in multi-stakeholder processes as constitutive for their organization, and again others explain their partaking as habit, such as one NGO representative who notes that his organization has done so “in many industries” (Interview 26 June 2012) in the past, but whose comment also suggests that there are reputational benefits to be gained:

We have historically been in the forefront of efforts to engage business, in a multi-stakeholder dialogue, to identify and address problems through mechanisms that respond to governance gaps. So we’ve had a long established history on that, and people understand that’s our role and that’s our focus. (Interview 26 June 2012; see also Interview 11 July 2012)

The statements of NGOs allude to the structural constraints or incentives that NGOs are subject to. Their involvement in regulatory processes often precludes other options of engagement, and this not only because they afford time and extensive legal expertise, requirements which, given the uncertainty of concrete outcomes, only a few of the larger NGOs are able to meet (Interviews 14 February 2012; 15 May 2012; 13 June 2012; 26 June 2012). Instead, as one interviewee whose NGO does not participate in multi-stakeholder dialogues to regulate PMSCs states, “[O]ften the price of being involved in those initiatives is that one is not allowed to speak outside to the public. So your silence is the price of being involved” (Interview 27 March 2012). This raises a larger question about multi-stakeholder dialogues with respect to which – and as it is often portrayed in the literature – participation is not only a question of resources, time, and personnel, but also a question of whether one is willing to bear the consequences. Disciplining takes other forms also, however, as the following comment by an interviewee who interacts with the PMSC industry indicates:

And so when you start talking to them, and you start seeing their perspectives, and you’re getting to know them as a human person, they’re not some [...] embodiment of evil in some way or another. Then, yes, you start understanding them and then it becomes a little more complicated to kind of think of and create campaigns in those narrower black-and-white terms that lend themselves well to grassroots mobilization. (Interview 15 May 2012)

Participants are apt to change their views over the course of multi-stakeholder dialogues because of their personal interactions with industry representatives and their

preoccupation with the issue at stake, a problem that one interview partner, whose organization does take part in ongoing dialogues, described in the following terms:

this is maybe part of the problem. I think the longer you work on an issue in industry, you start understanding the complexity of it and it's no longer as easy to kind of boil things down to the kind of simple slogans you need for successful campaigning and mobilization of people, and so, at least that's a challenge I've found. (Interview 15 May 2012)

However, it also is noticed by outsiders, of whom a representative expressed concern about Human Rights First and its changing position:

Human Rights First was one of the first NGOs to publish a report that was [...] warning of the lack of accountability with these companies and the fact that even when human rights abuses were widely reported no one was held accountable and so on. Well, now they are kind of supporting the [International] Code of Conduct. (Interview 28 August 2012)

These statements lend force to governmentality scholars such as Sending and Neumann (2006, 656) who, citing Foucault, observe that governance processes are not just about finding consensual solutions to pressing problems, but also are “aimed to shape, guide, and direct individuals’ and groups’ behavior and actions in particular directions” (Foucault [1982] 2000, 341, [1978] 1991, 102–3). This also applies to those who reside on the outside of such processes, and for whom it becomes difficult to speak critically about PMSCs and the privatization of security. Seen this way, multi-stakeholder dialogues decrease rather than increase the transparency and accountability that they are often heralded for. Instead, they establish a “circle of silence”. While this is not an entirely new insight, nevertheless concerns about the legitimacy of such processes have rather been voiced in connection with either the number of actors involved or the status of the actors themselves (e.g. whether they are elected officials or not). Our finding, however, points to the consequences that participation in multi-stakeholder processes might have for the involved actors. In the case of NGOs, they might be judged as potentially quite severe because they deprive organizations of what appears to be an essential aspect of their role as advocates, i.e. sharing information not otherwise available with their constituents.

#### 4. Conclusion

Focusing on NGOs from a governmentality perspective, this paper has provided evidence of societal reactions to privatized security. The NGOs’ statements and the ways in which they apply their knowledge and expertise illustrate how these organizations are both subjects as well as objects of governance. By drawing attention to problems in the security industry which afford regulation, or by taking part in multi-stakeholder dialogues, NGOs are implicated in governance and reinforce a governmentality logic. Rather than contesting and opposing the privatization of security per se, many of the NGOs we studied, and especially the larger ones among them, accept PMSCs as actors with whom they are willing to engage or whom they view as a part of reality with which they have to come to terms. At the same time as NGOs play an active role in the regulation of PMSCs, however, they also are being governed by either losing their ability to openly criticize and contest or by being discredited when nevertheless engaging in such behaviour. Because of this ambivalent role, NGOs are doomed if they do and doomed if they do not. Whether intentionally or unintentionally,



they contribute to the stabilization, depoliticization, and legitimization of private security governance and an emerging neoliberal order.

While it was beyond the scope of this paper to investigate the reasons for the widespread acceptance of PMSCs and the privatization of security, the interviews we conducted offer nevertheless a viable set of propositions. They range from the increasing dependency of NGOs on, on the one hand, PMSCs for their own protection in the field or, on the other hand, funding from governments who maintain contracts with companies, to the general trend toward privatization from which NGOs themselves in part profit or which they feel disempowered to oppose, or the alleged changes in, or what some respondents referred to as the “maturing” of, the industry itself. Any of these warrants attention to more thoroughly understand the driving forces of the normalizing of private security and, with respect to the literature on PMSCs, move us away from exclusively focusing on PMSCs and/or states and instead perceive it as a societal phenomenon. Quite a number of scholars have started to illustrate how PMSCs attempt to enhance their legitimacy and that of their industry, but thus far have left unanswered why they are seemingly successful. Whether this can be attributed to the companies themselves, or rather changes with respect to the needs and the environment of their clients, or both is still undetermined.

Contrary to PMSCs whose existence and actions have been problematized in the literature, NGOs have been perceived for the most part in a rather positive light, as instigators of change for the better. With the exception of recent studies on humanitarian NGOs in conflict zones whose involvement has been called into question, the role that NGOs play in solidifying a certain societal trend or reinforcing questionable norms has largely been neglected. The case of PMSCs and NGOs, however, suggests that their roles are more ambivalent. As much as NGOs are a progressive force, they are also caught and restricted within the structures in which they exist and discipline those who resist.

More generally, these findings call for a closer examination of relationships between private actors and, if not a revision of, then a reflection on the roles we generally ascribe to them, since they no longer seem to fit the parameters we commonly have applied to them.

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