

Sinister motive in law on guards

Are foreign-owned security companies really a threat to SA? **Johan Burger** and **Gareth Newham** of the Institute for Security Studies examine Police Minister Nathi Mthethwa's rationale for the PSIRA Bill

THE Minister of Police, Nathi Mthethwa, is on record as saying foreign ownership of private security companies is a threat to national security.

However, there has been no substantive explanation to prove this.

The idea that foreign-owned private security companies are a threat to national security emerged in a debate over the recently adopted Private Security Industry Regulation Amendment Bill.

Indeed, the private security industry faces various shortcomings. These include the non-registration of personnel and businesses, poor training, inadequate vetting and background checks, the issuing of firearms to persons who are not competent to use them and the failure to pursue criminal or disciplinary action against security personnel who break the law.

These are all credible and legitimate reasons for improving regulation.

There are 445 000 registered active private security guards in South Africa. This means they far outnumber the 270 000 public security officers, a number that includes those working for the SAPS and the SANDF.

Given the large number of people the private security industry employs – many of whom are armed – it is important that it be well regulated.

The minister also argued that the growth of the private security industry “has outstripped other countries”. However, according to a 2011 report by the UN Office on Drugs and Crime that compares civilian private security services internationally, South Africa is not that different from many other countries.

In fact, its ratio of private security officers to police officers (2.87:1) did not differ much from that of developed countries (the US has a ratio of 2.26:1 and Australia 2.19:1). It also compares favourably to other middle-income or developing countries (Honduras has a ratio of 4.88:1, India 4.98:1 and Guatemala 6.01:1).

The draft Green Paper on Policing for last year referred to another threat when it expressed concerns about the private security industry's “ability” to “destabilise any security situation”.

That was ostensibly due to the involvement of “former military and police offi-



In this file photo, a young man waits for a security guard to pass before pouncing on metal waste at the Munitoria site.

PICTURE: OUPA MOKOENA

cers at management level” and the deployment of “highly trained, legally armed operatives” in the industry. However, most of these former security officials are citizens, which does little to support concerns relating to foreign ownership.

The paper also alleged that the private security industry was “increasingly performing functions which used to be the sole preserve of the police”. However, the growth of the private security industry is directly linked to high levels of crime and

violence, along with public perceptions that police officers are unable to provide adequate security.

The Green Paper contradicts itself by pointing out that private security companies have no special powers beyond those of private citizens. It is therefore difficult to see how they can be seen to undermine the state's law enforcement power.

Once again – as has been the case with the Protection of State Information Bill and the security ministers' attempted

cover-up of the exorbitant amount of public money spent on the president's private Nkandla homestead – the term “national security” is being used to justify government decisions or behaviour that cannot be properly explained.

It is for this reason that Barry Buzan, in his 1991 book *People, States and Fear*, says elites in weak states more readily view various threats as “national security threats” – especially when they seem to have negative implications for the power of those elites.

Similarly, much of what the current administration refers to as national security threats, appears to have more to do with removing the duty to account for political decisions, rather than any real danger to sovereignty.

Craig Snyder, in his 1999 book *Contemporary security and strategy*, says national security should be about freeing people from constraints such as poverty, poor education, political oppression and war. This is why there has been a move

away from the term “state security”, which often narrowly equated a nation's security with regime security.

South African policy has largely been in line with progressive understandings of national security. For example, the White Paper on Defence (1996), states that (in the absence of any external or military threat), “the greatest threats to the South African people are socio-economic problems like poverty and unemployment ... as well as the high level of crime and violence.” National security can best be described as freedom from external and internal threats, which may manifest as military, political, economic, societal and environmental threats, crime and violence and the threat of anarchy.

It is therefore difficult to see how foreign ownership or majority shareholding of private security companies by foreigners can be a threat to national security.

Many operating businesses have foreign ownership, including those in information technology, which could be perceived as a potential threat. So why single out the private security industry?

Less than 10 percent of the local private security industry is foreign-owned, and the 445 407 security officers registered as active are all South African citizens or have permanent resident status. They do not constitute a coherent, well-organised semi-military force ready for deployment against a particular target. They're spread across 9 031 registered businesses, providing more than 20 categories of security and services as locksmiths, car guards, bodyguards and armed reaction teams.

Where is the threat? Surely, limiting foreign investment and the jobs it may bring is more of a threat to national security than the mere foreign ownership of a small number of companies.

Most of these companies are listed on stock exchanges and subject to rigorous oversight. Given the absence of a rational, evidence-based argument to explain why foreign ownership of security companies is a threat to national security, questions arise as to the reason behind the controversial clause in the Private Security Industry Regulation Amendment Bill.

● *Johan Burger is senior researcher, and Gareth Newham, head, governance, crime and justice division, ISS.*