

*Overview of the relationship between PMSCs and extractive industry companies from the
Private Security Events Database
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Kara Kingma Neu and Deborah Avant
Sie Cheou Kang Center, Josef Korbel School, University of Denver

1. Context

- **The number, nature, and location of operations of extractive companies that use private security services, whether these are international or national companies, and/or whether private security is embedded in the extractive company or is provided by an external company.**

The Private Security Events Database covers Africa, Latin America, and Southeast Asia, from 1990 to 2012 (for a discussion of our conceptualization and data collection process, see [Avant and Neu 2019](#)). The database contains approximately 100 events involving extractive company clients. Our data covers PMSC involvement in activities reported in the news involving particular places and times.

The highest number of such events occurred in Africa (39), followed closely by Latin America (36), and then Southeast Asia (24). Countries with the most events were Angola, Honduras, Indonesia, and the Philippines. 11 or 12 events occurred in each of these.

The number of events varies widely across years, but most have occurred since 2006. 21 events occurred in 2011, and 13 in both 2012 and 2006.

- **The functions that PMSCs perform and the types of services they provide in extractive industries.**

The PMSCs working for or with extractive clients in our database provided mostly armed site security. There are some instances of operational support, or services during military-like operations. In an example of the latter, in Nigeria, November 2006, PMSCs carried out a rescue mission for seven foreign oil workers who had been kidnapped. PMSCs can and did also provide operational support in preparing and enabling extractive operations, such as in Guatemala, April 2011, when PMSCs allegedly destroyed crops and burned homes to expand production.

- **The main security challenges facing extractive companies that lead them to seek the services of PMSCs.**

We can get a sense of drivers of extractive companies' use of PMSCs through our event "types", or categories that identify the context in which events involving PMSCs occur. About 25% of the events occurred during demonstrations, riots, or strikes, which evidences the use of PMSCs to counter dissent by local populations and workers. PMSCs were also involved in crime and violence events, in response to activity or threatened activity by criminal groups or rebels. Almost half of the events in the database occurred during PMSCs' routine work, or their

performance of duties absent crime or nonviolent or violent conflict. Many of these events concerned PMSC interactions with civilians that resulted in allegations of human rights abuse.

- **The impact, if any, of the use of private security actors by the extractive industry on conflict dynamics in countries where they operate, and/or on the rule of law and public security services provided by the State.**

We cannot reach general conclusions on such impacts, but have identified numerous events that speak to the issue anecdotally.

-In the Philippines, May 2011, rebels attacked a transnational mining company. The company's PMSCs were illegally armed, though the police had warned them that having such weapons attracted rebels.

-In Indonesia, private security is often provided by the police or military. In July 2009, the vehicles of a transnational mining company were ambushed. Some suspected this was the work of the mobile police brigade that provided security for the company because the company was considering replacing it with a PMSC. A similar event occurred in August 2003, but involving the military. In the reporting, a military commander stated he was in favor of the police or PMSCs taking over private security so that the military could bring peace to the country's conflict zones.

-In Colombia in 1996, a PMSC employed by a transnational oil company was alleged to be concurrently involved in counterinsurgency operations.

2. The relationship between PMSCs and the extractive industry

- **The extent and prevalence of the extractive industry utilizing private security services rather than State security, and factors that may lead extractive companies to do so.**

Our focus is on PMSCs but as hinted above, government forces often provide security for extractive companies. Of the 100 or so events we record, police, military, or paramilitary forces provided security in about 15. Sometimes police or military forces accompanied or assisted PMSCs in their work. The use of government forces for security in some cases seems to be the result of government policy. In the Philippines, for example, it was noted in the reporting of a July 2004 event that the government requires that extractive (and perhaps other) companies be responsible for their security and use a local militia called the Special Citizen Active Auxiliary.

- **Relations and cooperation between extractive companies, private security personnel and State security services.**

See above.

- **The modalities of attribution of contracts and issues of transparency. Legislation and modes of verifications of attributions of contracts.**

Difficulties assigning responsibility for some events and incidents shows a lack of transparency in contracts, among other issues. For example, in Angola, March 1993, a rebel attack on government held oil installations killed PMSCs. The PMSCs were part of a force recruited by

Executive Outcomes. The Angolan government, however, denied any connection with such recruitment. Also in Angola, in 2006, K&P Mineira was accused of human rights abuses while providing security at a diamond mine. The extractive company, Lazare Kaplan International (LKI), denied involvement with the abuses because K&P Mineira was contracted by Sodiam, a partner of LKI.

- **The extent to which State’s licences, concessions and other natural resource agreements reference security provisions, and what form the references take.**

We have no information on this.

- **The role of the State in regulating the relationship between private security actors and the extractive industry, including the regulation of supply chains.**

See above. In another event in 2004, the Jakarta, Indonesia government mining taskforce recommended that the Newcrest extractive company use the mobile police brigade instead of the military for security because of alleged human rights abuses.

- **Alleged involvement of private security actors in illegal exploitation of natural resources, including, if possible, case examples and corrective action taken.**

We have no examples of this.

- **The use and role of sub-contractors, joint ventures and other commercial arrangements for the provision of security to the extractive industry.**

A few events reference such relationships between extractive companies and PMSCs. In the Philippines, 2007, security for Oxiana extractive company was provided by Oxiana’s own forces, a PMSC, and the Filipina military. In Angola, 2006, Endiama extractive company used a PMSC of which it was co-owner – Alfa 5.

3. Alleged human rights abuses by private security actors in the extractive industry

- **Details of alleged cases of human rights abuses perpetrated by private security actors in the extractive industry, and, if available, the handling of allegations, including in relation to investigations, prosecutions and remedies for victims.**

Of the 100 or so events, approximately half involved human rights abuse allegations.

Table 1 (below) lists the alleged abuses and includes brief descriptions.

Our data doesn’t track investigations and prosecutions of these allegations directly, but does collect this information in the course of recording events. We have seven events in the database that were connected with investigations or lawsuits. All seven involved transnational extractive companies. In one, though (Colombia, 1996), a lawsuit was brought against the PMSC Defense Systems Limited after one against BP was dropped.

Table 1: Alleged Human Rights Abuses by Extractive Companies' PMSCs, 1990-2012

Country	Year	Extractive company	PMSC	Brief description
Philippines	2012	-	-	PMSCs violated ancestral rights of indigenous people, including through extra-judicial killings and threats.
South Africa	2012	-	-	PMSCs used rubber bullets against protesting former miners.
South Africa	2012	-	-	PMSCs repelled and then shot and killed striking miners.
South Africa	2012	-	-	PMSCs and police used rubber bullets and tear gas against protesting miners.
Ghana	2011	Anglo Gold Ashanti	Ghanatta Security Services	PMSC killed a farming community member.
Guatemala	2011	Chabil Utzaj	-	PMSCs destroyed a community's crops.
Guatemala	2011	-	-	PMSCs destroyed crops and burned homes.
Guatemala	2011	-	-	PMSCs shot and injured a community member.
Guatemala	2011	Chabil Utzaj	-	PMSCs attacked Qeqchi farmers, killing and injuring some.
Guatemala	2011	-	-	PMSCs evicted Mayans; during, some died.
Honduras	2011	El Mochito	-	PMSCs operating as paramilitaries abducted men crossing the palm oil plantation.
Honduras	2011	-	-	PMSCs and police burned homes, destroyed crops and animals.

Honduras	2011	Dinant	-	PMSCs killed campesino farmers who had earlier been illegally evicted.
Honduras	2011	Rene Morales's	-	PMSCs attacked farmers as approached palm oil processing plant.
Honduras	2011	Rene Morales's	-	PMSCs and state forces opened fire on peasant farmers seeking to occupy land.
Indonesia	2011	Australian West Wits	-	PMSCs (police) killed farmers.
Tanzania	2011	African Barrick	-	PMSCs and police clashed with locals at a mine.
Zimbabwe	2011	-	-	PMSCs and police cleared fields of local miners; shot, beat, and used attack dogs against them.
Honduras	2010	Rene Morales's	-	PMSCs killed member of peasant group occupying land.
Honduras	2010	-	-	Suspected PMSC killed an environmentalist and local resistance leader.
Honduras	2010	Dinant	-	PMSCs killed members of the Movement of the Aguan, a land claim group.
Honduras	2010	-	-	PMSCs, police, military opened fire on a village, injuring and detaining individuals.
Guatemala	2009	HudBay	-	PMSCs killed a Qeqchi community leader and injured a bystander; were protests at time, but neither man involved.
Colombia	2007	Drummond	-	PMSC (paramilitary) kidnapped and killed union leaders.
Ecuador	2007	Ascendant	-	A PMSC made death threats against a local leader and opponent of the company.

Guatemala	2007	HMI Nickel	-	PMSCs, military, and police forcefully evicted Qeqchi families from their homes.
Mexico	2007	Grupo Mexico	-	PMSCs attacked members of a union, killing and injuring some.
Peru	2007	-	Forza	PMSC followed a man who promotes human rights and the environment.
Philippines	2007	Oxiana	-	PMSCs and military injured protesters.
Angola	2006	Endiama	Alfa 5	PMSCs committed acts of violence against garimpeiros.
Angola	2006	LKI/Sodiam	K&P Mineira	PMSCs used violence to keep garimpeiros out of the extractive concession.
Ecuador	2006	Corriente	-	PMSCs and police attacked, beat, and arrested protesters.
Ecuador	2006	Corriente	-	PMSCs blocked protesters' path and beat them badly.
Ecuador	2006	Ascendant	-	PMSCs implicated in violent conflicts around the extractive project.
Ecuador	2006	Ascendant	-	PMSCs created violence; shot at and tear gassed community members.
Ecuador	2006	Ascendant	-	PMSCs shot at and tear gassed protesters.
Ghana	2006	Anglo Gold Ashanti	Sec Point	Argument between PMSCs and farmers over road access; farmers injured.
Indonesia	2006	PT Surya Dumai Group	-	PMSCs killed and injured protesters against land seizures.

Peru	2006	-	-	PMSCs killed a farmer during a protest.
Guatemala	2005	Goldcorp	-	Ongoing claims against PMSCs, related in part to land acquisition and expansion.
Philippines	2005	-	-	PMSCs fired shots and threw stones at protesters.
Indonesia	2004	Newcrest	police and military	PMSCs (police) killed one of many protesters.
Philippines	2004	-	militia	PMSCs violated ancestral lands and human rights, including by killing protesters.
Indonesia	2003	Freeport	-	PMSCs (military) suspected to be behind an attack near a mine.
Zimbabwe	2002	Zimplata	-	PMSCs helped to evict tenants and then denied them access to drinking water and toilets.
Colombia	2001	Drummond	paramilitary	PMSC (paramilitary) killed two union leaders.
Indonesia	2000	Exxon	military	PMSCs (military) engaged in murders and torture.
Indonesia	2000	Freeport	police and military	PMSCs (military and police) engaged in violent clashes with locals.
Colombia	1998	BP	paramilitary	PMSC worked with paramilitary groups that have killed civilians.
Colombia	1996	BP, Ocesa	Defense Systems Limited, police	PMSCs, with state forces, committed abuses as carried out counterinsurgency.
Indonesia	1994	Freeport	-	PMSCs and military killed, tortured, searched protesters of mine.

- **The possible impact of the use of private security actors by extractive industries on specific groups (e.g. indigenous peoples, persons with disabilities), as well as the differentiated impact of such human rights abuses on women, girls, men and boys.**

We identified seven instances of human rights abuses against indigenous peoples, in events in the Philippines, Guatemala, and Ecuador. Many others were against local peasant and farming groups.

Women were specifically targeted for human rights abuse in one event, in Guatemala, July 2007. Police and military forces assisted HMI Nickel in forcefully expelling Mayan families from their lands and homes. During this operation, women were allegedly raped.

- **Patterns or trends of human rights abuses in the context of the use of private security services in extractive industries.**

Human rights abuses associated with the PMSCs working for extractive companies seemed to have increased in frequency over time, with most since 2006. However, this trend may just reflect an increase in overall reporting on PMSCs. Our database will soon be updated through 2016, which should give us more information.

More than half of the events associated with human rights abuse allegations occurred in Latin America, with the remainder split between Africa and Southeast Asia. Honduras and Guatemala had eight or nine events each.

38 of the approximate 51 human rights abuse allegations (75%) involved PMSCs employed by transnational extractive companies. Those involving transnational companies are concentrated in the 1990s, while those involving local companies in later, more recent years. This corresponds to the pattern in overall events. There are more events involving local extractive companies' PMSCs closer to 2012 than in the 1990s and early 2000s.

4. International, national and company-level regulations, mechanisms and procedures

- **Legal and/or administrative provisions in place to regulate the activities of private security actors in the extractive industry both domestically and abroad.**

We have no information on this.

- **Mechanisms to promote respect for human rights and prevent abuses within extractive and/or PMSCs, as well as to monitor human rights compliance, including throughout the supply chain of private security services.**

We have no information on this.

- **Procedures in place for the selection and training of private security personnel, including human rights considerations, and their application for security (sub) contractors, as well as examples of decisions and procedures that were applied.**

We have no information on this.

- **Mechanisms in place for dialogue and consultation with local communities, including indigenous peoples, and civil society about the role and functions of private security supporting extractive industries, including examples of such processes where available.**

We have no information on this.

- **The concrete application within companies of international, regional and national initiatives that promote compliance by private security actors involved in the extractive industry with international human rights standards and principles (e.g. UN Guiding Principles on Business and Human Rights, Voluntary Principles on Human Rights and Security, International Code of Conduct for Private Security Providers [ICoC]).**

We have no information on this.

- **The availability and effectiveness of reporting mechanisms, institutions, company-level grievance mechanisms, and/or community level mechanisms and responses to enable victims, community members and/or civil society organisations to file complaints in case of alleged human rights abuses.**

Two events mention potential reporting mechanisms for victims of human rights abuse. In Peru, 2007, the United Nations carried out an investigation of, in part, the mining taking place at Yanacocha and the Forza PMSC. In Guatemala, 2005, an independent human rights assessment concluded that PMSCs needed improved monitoring.

- **National or international mechanisms to prosecute and/or facilitate and support claims by victims regarding alleged abuses committed by private security actors; and accessibility of associated remedial mechanisms.**

See above (regarding investigations and prosecutions).

- **Extraterritorial jurisdiction in national legal systems and its application, including specific cases if any.**

We have no information on this.

5. Good practices, lessons learnt

- **Existing initiatives and good practices in terms of preventing and addressing human rights abuses by private security actors mandated by the extractive industry.**

We have no information on this.

References:

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