



Converging and conflicting ethical values in the internal/external security continuum in Europe

European Commission, 7th Framework Programme

## **Milestone report 3.2: Ethics of sensitive information**

**Milestone report submitted September 2009 (M19) in fulfillment of requirements of the FP7 Project, Converging and Conflicting Ethical Values in the Internal/External Security Continuum in Europe (INEX)**

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## SUMMARY

This Milestone report brings attention to the ethical aspects of security privatization. The report is based on the work produced under WP3 Value Dilemmas of Security Professionalism and mainly draws on findings found in the Deliverable D.3.2. *The Ethical Challenges of Security Privatization*. The report also gives indication on what the forthcoming work provided by the working packages will focus on. WP3 have found that contemporary security needs to be understood from a framework of global security assemblages, in which private security companies are a crucial component. Recently private companies have emerged with a rapid speed due to an increasing attention in security practices. The growing attention along with a market place for security have not only led to expansion, but also given private security companies a greater influence in most societies. With more stakeholders and actors on the security arena several ethical aspect arises that during the dominance of public security where rather absent. Many of these can be directed towards the area of handling and gathering information, raising question of purpose and responsibility. The privatization of security has through its `commodification` also introduced a growing perception of insecurity and a trend of responsabilization for ones own safety. Such developments give rise to other broader issues as equality, thus security no longer to the same extent being regarded as a public good. However as greater power and influence does an asserted to private security company they may possess essential abilities to influence states and industries on moral and ethical standards for how security shall be provided and conducted, hence constitute an opportunity for establishing a contemporary framework may become possible. The WP3 calls for further research that concentrates, in particular on the European context of security privatization. Further research also needs to correspond better to empirical longitudinal research. The working package will conduct a workshop in April 2010 where the ethics of policing will be further discusses, but it will also leave room for a broader discussion encompassing the ethical implications of security privatization.

## I. INTRODUCTION

This milestone report titled *Ethics of Sensitive information* will acknowledge the work pursued so far by Working Package 3 *Value Dilemmas of Security Professionalism*. The report will further look into the ethical aspects that the notion of privatization of security entails based primarily on the findings documented by the WP3 in the Deliverable: D.3.2. *The Ethical Challenges of Security Privatization*. The scope of this report also includes remarks made in the Deliverable D.3.1. *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, as well as the deliverable D.1.2: *Catalogue of Security and Border Technologies at use in Europe Today*, prepared under working package 1 *Ethical premises and consequences of security technologies*.

As a main objective, WP3 is occupied ‘to document and analyze the value assumptions and ethical challenges involving the rapidly changing role of security professionals in Europe and to produce political recommendations to address them’.<sup>1</sup> This aspiration falls in line with the overall goal of the INEX – project which is to contribute to the existing understanding of European security through and analysis of the value-based premises and ethical consequences of the internal / external security continuum in Europe.

The report is outlined as follows. First the emergence and understanding of the concept of privatization of security will be addresses. This will be followed by a discussion of the ethical implications of the development of this trend. Finally the WP3’s future paths and line of argument will be outlined.

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<sup>1</sup> Annex I: Description of Work, (2008). INEX Project: Converging and conflicting ethical values in the internal / external security continuum in Europe, prepared 31st January 2008, p.36.

## II. KEY FINDINGS

The WP3 have acknowledged that the expansion of security into the private sphere has moved way beyond the private military, contracted for upholding security in conflict zones all over the world. Given much less attention but widely integrated into everyday life are the commercial aspects of the private security industry. Thus it is far larger and more pervasive, not as spectacular, but perhaps in many ways more significant. The ethical issue it entails raises a significant link between contemporary securities to the debates over the ethical obligations of transnational corporations, and nonetheless the link between business and human rights. The ever more growing complex relationship between private and public actors in the security field, and a growing prevalence of private security around the globe raises consideration of the connections and links between social structures, ethical evaluation and practical political strategies a serious issue for debate. Before exploring the different far from clear-cut ethical aspects of private security, this report shall highlight and outline the emerging trend of privatization in the security sphere.

### Privatization of security

Commercial companies in the name of security have become, albeit quietly significant actors across the world. It holds true for almost any country that private security companies have come to play a substantial role in security provision. Contemporary numbers show that private security companies are estimated to have a market value of over \$165 billion, and growth rates of over 8%. In many countries private security employees now outnumber their public counterparts. The expansion and growing numbers of private security companies was also noted by the French president during the presidency of the European Union: “examining the role of private security in overall security in Europe is a way of looking after everyday security of European citizens...since private security firms are being called upon more and more to assist states in providing this protection”.<sup>2</sup>

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<sup>2</sup> Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO). p.4

The security industry contains an extensive and far from uniform landscape of companies and groupings, not only dedicated to developing and selling technical security systems, but to a greater extent also a provider of services in extensive areas “from the hosting of databases to the provision of auditing and expertise, and other diverse occurrences of outsourcing”.<sup>3</sup> The commercial security companies continue to expand in terms of resources and geographic reach, illustrated by the largest private security company, Group4Securior (G4S), who is among the top 100 largest corporations by capitalization in the UK, and nevertheless the largest employer listed on the Stock Exchange in London. G4S global reach sets out activities and operations in 115 countries across the globe. Another company following suit is the Swedish based Securitas which is a significant provider of security services across Europe and beyond, with approximately 240 000 employees.<sup>4</sup>

The growth in private security companies challenges the deeply held belief that “modernity and development are marked by the increasing monopolization of security in the hands of the state, and that this process provides the stable benchmark for ethical evaluation”.<sup>5</sup> Private security has become a force that in contemporary society’s supplements state intervention and social responsibility through often sophisticated techniques of crime detection and control based on *efficiency, surveillance, and spatial design*. This along with the increasing concern of crime and security on the political agenda brought to a great extent by the terrorist attacks of 11 September 2001, have given private security a main role in current societies.<sup>6</sup> One note here important is that this trend has in particular been acknowledge and studied in the US in respect of national security, but it holds true even for the rise and interest for the security industry in Europe, albeit less scrutinized.<sup>7</sup>

In order to understand the emergence and development pervasiveness of private security Abrahamsen and Williams (in D.3.2) suggests the necessity to consider the “contemporary dominance of neo-liberal modes of governance”.<sup>8</sup> In this sense the growth of private security is connected to “the proliferation of market opportunities and the availability of substantial,

<sup>3</sup> Amicelle, Anthony, Bigo, Didier, Philippe Bonditti, Julien Jeandesboz and Francesco Ragazzi (2009) *Catalogue of Security and Border Technologies at use in Europe Today*, INEX Deliverable D.1.2., Centre d’Etudes sur les Conflits, Paris, June, p.48.

<sup>4</sup> Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO), p.4

<sup>5</sup> Ibid, p.5

<sup>6</sup> Ibid, p.16.

<sup>7</sup> Amicelle, Anthony, Bigo, Didier, Philippe Bonditti, Julien Jeandesboz and Francesco Ragazzi (2009) *Catalogue of Security and Border Technologies at use in Europe Today*, INEX Deliverable D.1.2., Centre d’Etudes sur les Conflits, Paris, June, p.36-37.

<sup>8</sup> Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO), p.9.

longer-term contracts created at the national level, by privatization and government outsourcing”.<sup>9</sup> Here what is called a “commodification” of security is created whereby security becomes a service to be sold and bought on the marketplace.<sup>10</sup> However a trend often seen go beyond the popular idea that private security would fill the gap of security as public capacities are reduced. In fact, results show that many countries spending on public security in the form of police and military have increases simultaneously with the growing private security sector. Thus, the increasing role of private security is part of a general intensification of security actions across different societies.<sup>11</sup>

In this context Garland has characterized private actors as a ‘third sector’ of security provision, operating alongside the policing and punitive institutions of the state.<sup>12</sup> This approach provides a type of indirect action whereby state agencies “activate action by non-state organizations and actors”. The intention is to extend, complement and to greater extent enhance the formal controls of the criminal justice state. Hence a form of strategic relationship is created between different security stakeholders in the society.<sup>13</sup> Albeit, the growing attention and use of private security firms and their provisions the idea that security is a public good remain key parameters of security practices and a crucial aspect in the debates over who should be provider, and how security shall be provided.<sup>14</sup>

The conclusion that WP3 draw from the changing security environment is that the contemporary privatization of security does not mean that state monopoly of security has been entirely replaced by private companies in the name of security. Instead, it shall be viewed in respect of a wider and much broader transformation in the structures of the state and a complex rearticulating between private and public that has been underway for quite some time. This process has contributed to a complex *inter-weavings* of public and private / global and local, security actors which in turn have provided new structures that can be labeled as *security assemblages*. Around these structures new ethical and political challenges has evolved that not easily can be abstracted or a subject for generalization or clearly defined.<sup>15</sup>

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<sup>9</sup> Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO). p.12.

<sup>10</sup> Ibid, p.21.

<sup>11</sup> Ibid, p.12.

<sup>12</sup> David Garland, *The culture of control* (Oxford: Oxford University Press, 2001), p.124

<sup>13</sup> Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO). p.13.

<sup>14</sup> Ibid, p.26.

<sup>15</sup> Ibid, pp.7-9

However some of these issues have been brought up in the work produced so far by WP3, and attention shall now be directed on this.

### **Ethics and private security**

The commodification of security has considerable implications for the ethics and self-perception of individuals and the social and institutional pressures to which they are subjected. One effect is the emergence of *responsibilization* as communities, businesses and individuals to a greater extent undertake sole responsibility for their safety and security. They hence become active consumers of security measures that provide them with surveillance systems, burglar alarms, and various services of a security company.<sup>16</sup> The result has been “a populist moral politics of crime”, framed in the name of security, that reinforces awareness of (in) security, and that also have an important impacts on the growth of private security as a whole.<sup>17</sup> At the same time as the publication and collection of data about fear, crime hot spots as valuable with regard to police work and policy planning the same knowledge may also become an important aspect on emerging structures of social knowledge that exercise effect on the social field. Such effects are illustrated by research that acknowledge that there is an assumption on the part of a large majority of the public in the US and the UK that crime rates are getting worse, not regarding the actual patterns, and that confidence on the criminal justice system to make things better is low. In this respect rhetoric’s and discourses among political actors and media representations have played a crucial role forming people’s perception of insecurity.<sup>18</sup>

A trend that falls with the privatization of security also show that aspects of contemporary security policy tend to facilitate a “specific form of de-politicization that stresses technical, managerial, and technological responses” thus in many ways neglecting interventions that are tied to political rights. Contemporary policies focus on “designing insecurity on prevention in the sense of spatial control, the monitoring and regulation of flows and access, the acquisitions of information and its dissemination across a range of “security” actors, and the identification of risk behaviors and the development of risk profiles. Such techniques bring

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<sup>16</sup> Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO). pp.13-14.

<sup>17</sup> Ibid, p.17.

<sup>18</sup> Ibid, p.18.

the private security providers closer to public policing as it allows the two sectors to be regarded as complementary.<sup>19</sup>

As with privatization of security issues concerning the theft of identities, the ownership of (biometrical) data, surveillance, and the way in which the information and data are “exchanged, dispersed, retained, used and synthesized” becomes a matter of uncertainty.<sup>20</sup> In other words it raises ethical questions calling on responsibility of private actors as regard to who is gathering the information, why the information is gathered in the first place, and for what purpose it will be gathered. As a result this may lead to serious risks of mistreatment and abuse of databases and sensitive information harming fundamental rights and European citizens right to privacy.<sup>21</sup> In this sense trust becomes an important factor, since individuals come to rely on organizations and at time abstract systems to provide for their security, thus “they need to trust organizations staffed by individuals they in all likelihood do not know personally...”.<sup>22</sup> Private security firms and organization are more or less knowledge organizations, which here implies that they deal with certain areas and expertise that their customers and clients don’t possess or understand. This expertise along with trustworthiness become their main asset and provides an essential market device<sup>23</sup>, an apparatus that may inflict serious harm if not properly scrutinized.

Another ethical aspect that goes somewhat beyond the one framed above, but nevertheless also important to mention is the inequalities that the emergence of private security may provide. Private security may transform the notion of security as a right only eligible to the rich, enabling socioeconomic divides. This notion shall maybe best be illustrated along the line of north-south relations. However, it may also play a crucial role in the internal dimension of the European Union leaving better security guarantees for the ones that can afford. In this sense the assumption of security as a public good provided for all falls rather short.<sup>24</sup>

<sup>19</sup> Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO), p.16-17.

<sup>20</sup> Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA),p.101.

<sup>21</sup> Fuster, Gonzales, Gloria, Paul De Hert, and Serge Gutwirth (2008), *State-of-the-art-report on the current scholarship on the Law-Security Nexus in Europe*. INEX Deliverable: D.2.1. Vrije Universiteit Brussel, p.31.

<sup>22</sup> Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO). p.23.

<sup>23</sup> Ibid, p.23

<sup>24</sup> Ibid, p.31-32

Moving beyond the ethical challenges and risks that private security provides the WP3 have also acknowledged the possibilities that the privatization of security may entail. First, it may through its strong force and influence be able to provide a legislative framework for the private security industry. One attempt that has been made on the pan-European level is the private security association and lobby group CoESS<sup>25</sup>. The primary aim of the CoESS is to construct a “European legislative framework that is balanced, harmonized, efficient and conducive to the expansion of the private security industry.”<sup>26</sup> Such initiatives needs to be further scrutinized and assessed with regard to existing transnational legislation. Private security companies, while providing expertise and being involved in the day to day security practices along with state agencies, may also play an essential role in the “exporting of security practices and technologies”<sup>27</sup> that pay more attribute and respect for fundamental rights and the protection of privacy. In the EU context this might be applicable with regard to external relations with third countries, where there is a low record of the respect for human rights, as well as within the internal dimension, thus among and within member states. Private security companies may hence, through its incorporation into global security assemblages (as mentioned above), be able to assert their influence embedding existing forces into norms, standards and guidelines that are internationally sanctioned.<sup>28</sup> However this suggestion do have some structural limitation as different private security companies often operate under different national and legal structures, hence creating issues that concerns a wider debate on the ethics and transnational character of corporate actors, and their respective responsibilities to different political and moral constituencies and institutions.<sup>29</sup>

In sum, security privatization raises a great set of difficult choices and complex results since there is no uniformed of single policy that may include situations where “inequality and stability, privatization and security and insecurity” are included into structures “that cut across the tradition moral politics of security as a public good”.<sup>30</sup>

<sup>25</sup> Confederation of European Security Services

<sup>26</sup> Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO). p.24.

<sup>27</sup> Ibid, p.29

<sup>28</sup> Ibid

<sup>29</sup> Ibid, p.32-33

<sup>30</sup> Ibid, p.32

### III. Conclusions and future work

The WP3 have found that the contemporary nature of the security field as an assemblage of a multitude of public / private, global/local actors offer a slightly different view of security ethics and politics. Furthermore, it demonstrate how the emergence of private security “does not represent a straightforward retreat of public ethics in the face of private interest, but rather as a substitute to a change in the “ethics of security and the wider moral registers of crime and security, ranging from visions of criminal agency, to the politics of punishment, to the social construction of risk and responsible citizens behavior”.<sup>31</sup> In other words, the state does not extract or disappears as an actor, but it is now situated within assemblages that “cut across and through it”, in turn “reconfiguring” the private and the public in practice and at institutional levels.<sup>32</sup> As safety and security is no longer just a matter of public security organization, but involves an increasing number of actors and stakeholder in the management and production of security ranging from it becomes rather unclear how to conceptualize safety and security, which priorities that are being defined, and in turn by whom, which and whose interests are held superior and “who supervise the ethical dimension of plural security practices”.<sup>33</sup>

#### The way forward

WP3 throughout its first deliverable D.3.1 explored and analyzed the role and ethics inherent in security professionals in form of public intelligence, military, and police. The report slightly touched on the emergence of privatization of security, thus called for its future attention. The next deliverable D.3.2 was therefore designed to entirely investigate the emergence and ethical implication brought by privatization of security, and the main findings hence constitute a backbone of this report. The combination of these reports verifies the broad scope of the work package, but more importantly how the work produced so far if combined merge into a contemporary description of the security landscape present in the European arena. This is a reality that in short may be explained as a mix of public and private securities operating in a transnational manner making the distinction between external and internal even more difficult to distinguish. The state of the art reviews show that there is a growing need to focus more on the European context, as their seems to be a bias in most knowledge and

<sup>31</sup> Abrahamsen, Rita and Michael C. Williams (2009), *The Ethical Challenges of Security Privatization*, INEX Deliverable D.3.2., International Peace Research Institute, Oslo (PRIO), p.25.

<sup>32</sup> Ibid,

<sup>33</sup> Van Buuren, Jelle and Monica den Boer (2009), *State-of-the-Art Literature Review on the Ethics Research and Knowledge Among Security Professionals*, INEX Deliverable D.3.1., University of Amsterdam (VUA), p.100.

research in favor of US-security.<sup>34</sup> The WP3 makes clear that there is also a need for empirical longitudinal research. In other words; security organizations compliance with ethical standards need to be investigated when measured and analyzed over a longer period of time in steady professional environments. As for the immediate future the Work Package Researchers will conduct a workshop scheduled for April 2010. Here attentions will be given to value dilemmas in security policing. However, the workshop will not limit itself to the notion of policing. In addition, it will allow for a broad discussion that will further include discussion and elaboration on the ethical aspect of privatization of security. The use of cross reference between different work packages shown in this report represents a picture of the close work and shared thematic approach between, most notable WP3 and WP1. This trend will continue to constitute an important part in the upcoming work provided by the working package.

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<sup>34</sup> Ibid

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