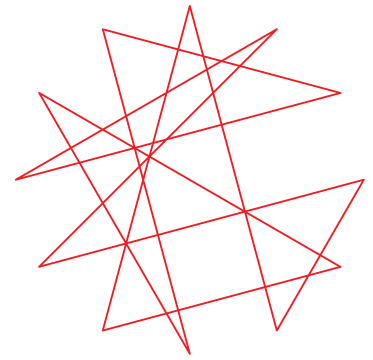


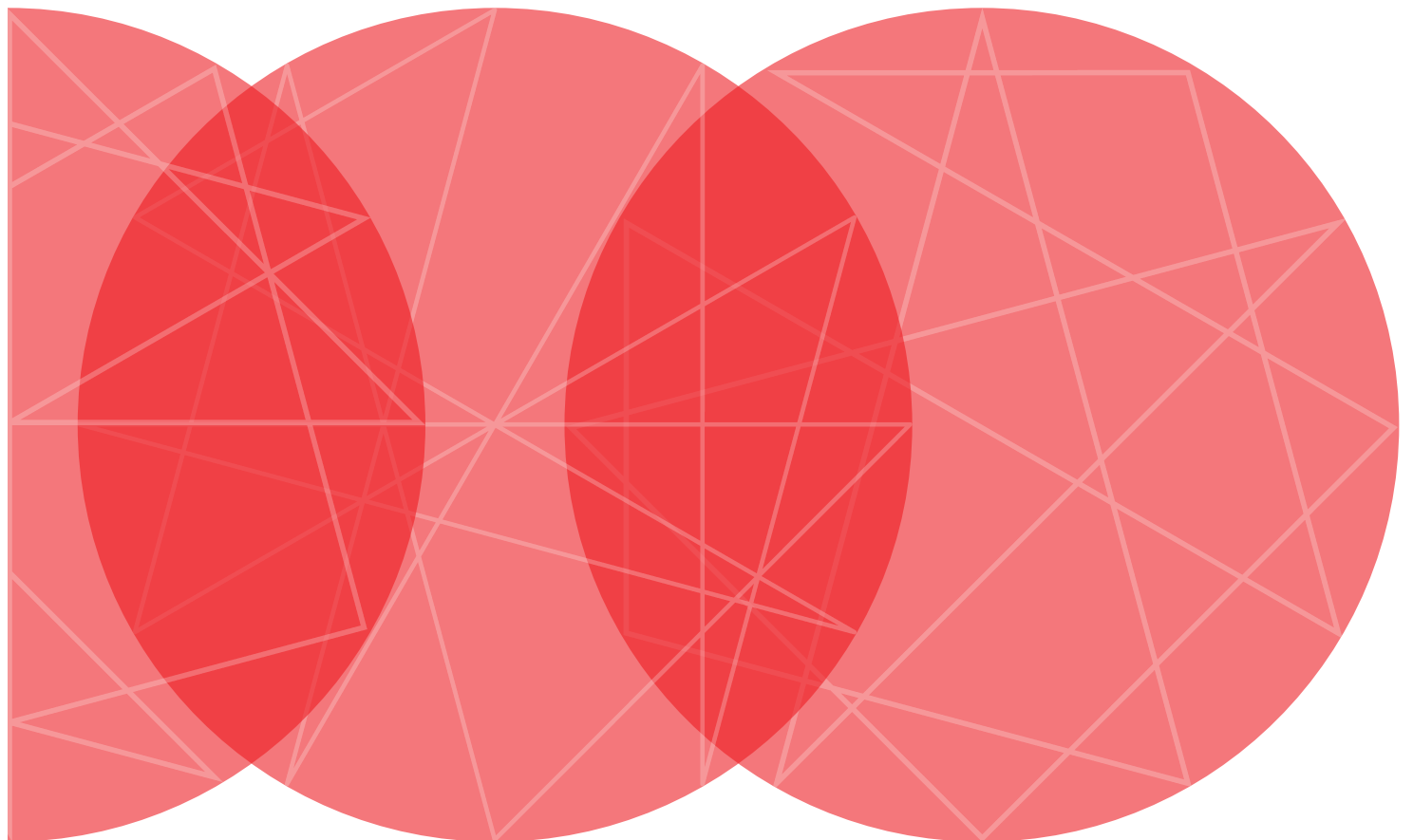
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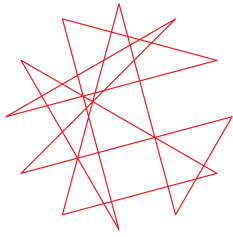
Engaging Private Security Providers

A Guideline for Non-Governmental Organisations

EISF Briefing Paper



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European Interagency Security Forum

The European Interagency Security Forum is an independent platform for Security Focal Points from European humanitarian agencies operating overseas. EISF members are committed to improving the safety and security of relief operations and staff in a way that allows greater access to and impact for crisis-affected populations.

The Forum was created to establish a more prominent role for security management in international humanitarian operations. It provides a space for NGOs to collectively improve security management practice, and facilitates exchange between members and other bodies such as the UN, institutional donors, research institutions, training providers and a broad range of international NGOs.

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Overview

Humanitarian NGOs have made increased use of Private Security Providers (PSPs) over the last decade. The initial apprehension felt towards a largely unregulated sector has given way to silent utilisation. The reasons for increased use relate to higher (perceived) levels of insecurity, harsher operational environments and a growing awareness of the duty of care. PSPs provide services ranging from highly visible 'hard' activities – such as armed protection for convoys – to 'soft' services such as training, vetting and analysis.

There is a gap between the ways that NGOs actually use PSPs and the regulation of this engagement. These guidelines aim to assist humanitarian NGOs in reaching an informed decision about when, how and under what conditions to seek PSP services. **PSPs in this document are defined as remuneration-based security services or functions provided by private companies to NGOs concluded on a mutual, voluntary basis.** The guidelines are aimed at operational managers of NGOs, from headquarter to field level. The guidelines do not only cover armed guarding or armed protection, but can be applied to the wide range of services provided by PSPs.

Section 1 covers the international regulation and certification of PSPs. This includes the Montreux Document and the International Code of Conduct for Private Security Providers (ICoC).

Section 2 introduces the practice of NGO engagement with PSPs, and discusses the reasons for increased use of their services. A list of services that PSPs can offer is provided, subdivided into hard and soft services.

Section 3 will evaluate the circumstances in which engaging with PSPs is possible. It is most important to ascertain that PSP services will be 'effective' and 'appropriate', meaning that they will deliver results and be compatible with the humanitarian profile. The risks and opportunities of engagement are also reviewed in this section.

Section 4 is devoted to the decision-making process surrounding engagement with PSPs. This includes issues around contracting, selection of PSPs and monitoring and evaluation.

Section 5 will concentrate on armed protection, including viability of armed protection, types of providers and some exceptional situations, such as enforced protection.

The Annexes provide a checklist of core competences to assist with the selection process and contains checklists that cover the whole process from tendering to contracting and evaluation.

Introduction

Over the past decade humanitarian agencies have increasingly made use of Private Security Providers (PSPs) to support their security requirements. The reason for this is attributed to real and perceived growth in insecurity, leading to concern for the safety of staff, sustainability of programs and growing awareness of the legal dimensions of the duty of care. Although the outsourcing of security to PSPs is well recognised by policy-makers, at the operational level there is still a noticeable lack of guidelines on engagement with PSPs.

For many years humanitarian NGOs have been hesitant in utilising PSPs for their security needs. A widely held (if unproven) perception of security companies as shady organisations composed of ex-military personnel has been a significant contributing factor (Renouf 2007). Another is the impression that PSPs do not sufficiently understand - and share – the principles that drive the humanitarian mission and that the concepts of security that prevail in the commercial sector clash with those of the humanitarian sector. These perceptions persist despite efforts by the private sector security industry to become more transparent and accountable, and to comply with the stipulations of International Human Rights Law and International Humanitarian Law. To this end, an International Code of Conduct for Private Security Providers was formulated in 2010.

Where NGOs have used the services of PSPs this has often been kept 'low profile' to avoid public scrutiny. Although the motives behind such decisions are understandable, the reality is changing as NGOs increasingly encounter threats that can be effectively addressed by PSPs. Consequently, the utilisation of PSPs by NGOs is more common than generally assumed, but there are gaps in regulating this engagement.

The core issue for humanitarian NGOs is how to reach an informed decision on the involvement of PSPs in their security needs. These guidelines provide guidance to inform the decision-making process. The guidelines offer an approach for assessing the viability of involvement of external professional resources in security – measured by the advantages and disadvantages and the risk and opportunities of involving PSPs. A critical aspect in this assessment is that PSPs should subscribe to, and act in accordance with the guiding humanitarian principles (humanity, impartiality, neutrality and independence).

The overall goal of enhanced security for the humanitarian mission is to enable the continuation of operations for the provision of aid to beneficiaries, while ensuring safe and secure circumstances, for providers as well as for beneficiaries. The provision of security is therefore not an end in itself but a means to an end. Though PSPs are profit-driven companies, this dimension should not alter the ultimate humanitarian goal.

These guidelines are not intended to promote or advise against the use of PSPs for NGO security purposes. Nor will the guidelines advise for or against particular companies or choices. The explicit aim of the guidelines is to provide guidance in the decision-making process of humanitarian NGOs on when and how to involve PSPs in security arrangements. The guidelines do not provide a comprehensive business management guide on contracting, but highlight essential matters in engaging PSPs.

Objectives and scope

The general objective of the guidelines is to enhance the capacities for decision-making and good practice by NGOs in contracting PSPs, and provide advice on technical matters in the deployment of PSPs such as risk-assessment, selection and evaluation.

The scope of the guidelines is to suggest an approach for involvement of PSPs by NGOs, to outline a framework for selection of PSPs, and to provide some managerial considerations regarding contracting matters.

The guidelines are intended to be used by humanitarian NGOs at management level, by those that are involved in the provision of security on headquarters, country and field level. The guidelines do not elaborate on security assessment methods as these are widely available elsewhere.¹ It should be kept in mind though, that the assessment phase is crucial in the definition of security needs.

Often, PSCs and PMCs are linked through sub-contracting or as affiliates of a joint umbrella company, which leads to the use of the hybrid term PMSC.

This document uses the term Private Security Providers (PSPs), defined as remuneration-based security services or functions provided by private companies to NGOs concluded on a mutual, voluntary basis.² This definition excludes (paid and unpaid) arrangements with militia or non-state armed actors as those are incompatible with International Humanitarian Law. Compulsory (remunerated) services by police or armed forces enforced by state authorities are also excluded, as these are involuntary arrangements.

Definition of Private Security Providers

There are no universally accepted definitions of Private Security Companies (PSC), Private Military Companies (PMC) or Private Military and Security Companies (PMSC). The International Code of Conduct (ICoC) (section 1) defines Private Security Companies and Private Security Service Providers as 'any Company (as defined in this Code) whose business activities include the provision of security services either on its own behalf or on behalf of another, irrespective of how such Company describes itself'.

Generally a distinction is made between: Private Military Companies (PMCs) which 'work in military and conflict settings to offer direct tactical military assistance' and Private Security Companies (PSCs) which 'provide services to clients with the aim of ensuring their security' (Speers Mears 2009: 4).

¹ See for example ODI HPN (2010)

² This definition does not include private individual consultants, not-for-profit companies and NGOs providing security support services, although the guidelines do make references to these services.



International regulation and certification

Until recently the regulation of PMCs, PSCs and PMSCs on both the national and international level has been limited or lacking. In recent years this has changed with the introduction of international codes of conduct and (non-binding) recommendations.

In an effort to increase transparency, bolster legitimacy and increase standardisation, military and security companies have entered into two national associations: the British Association of Private Security Companies (BAPSC), and the US-based International Peace Operations Association (IPOA) – renamed International Stability Operations Association (ISOA).³ Combined, these associations are estimated to represent a large part of the major international PMSCs (Stoddard 2008: 16).

Both associations operate on the basis of self-regulation. The BAPSC refers to the International Code of Conduct and endorses the document, but is not a member as such. The ISOA has an extensive Code of Conduct of its own, which is largely congruent with the International Code of Conduct.

1.1 The Montreux document

As a result of a collective effort by the Swiss government and the International Committee of the Red Cross (ICRC) a set of (non-binding) standards was agreed upon in 2008 to enhance state control over private military and security companies. 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* (ICRC, FDFA 2008) provides rules for the regulation of PMSCs in order to clarify pertinent legal obligations.

Though the document is non-binding, it leaves other (binding) stipulations on the rights and obligations of states and private actors in place, such as those derived from International Humanitarian Law (IHL) and International Human Rights Law (IHRL). The document is a useful source for insight on the obligations of States and may provide some guidance for NGOs in the selection of PSPs.

1.2 The International Code of Conduct for Private Security Providers

The most important development in regulating PSPs is the publication of the International Code of Conduct for Private Security Service Providers (ICoC) in November 2010. The ICoC is a direct product of the Montreux document process and signed by 211 companies (as of 1 October 2011). The ICoC acts as: 'a founding instrument for a broader initiative to create better governance, compliance and accountability' (ICoC 2010: par 7).

Principal stipulations regarding respect for human rights, humanitarian law and respect of cultures are included in paragraph 4 of the ICoC. The ICoC also spells out specific principles of conduct with respect to the use of force, detention, the prohibition of torture, sexual exploitation and abuse or gender-based violence (ICoC 2010: par 28 - 43).

Furthermore, the ICoC sets commitments for management and governance including the selection and vetting of sub-contractors, company policies, training, management of weapons, incident reporting, safe and healthy working conditions, harassment, grievance procedures and meeting liabilities. This section may be useful for the purpose of providing governing rules in contracts (ICoC 2010: par 44-69).

³ See: www.bapsc.org.uk/ and www.stability-operations.org/

Realising that further effort is necessary for effective implementation, the code requires that within 18 months of endorsement, signatories:

- a) Establish objective and measurable standards for providing security services based upon this Code, with the objective of realising common and internationally-recognised operational and business practice standards; and
- b) Establish external independent mechanisms for effective governance and oversight, which will include certification of signatory companies' compliance with the Code's principles and the standards derived from the Code, beginning with adequate policies and procedures, auditing and monitoring of their work in the field, including reporting, and execution of a mechanism to address alleged violations of the Code's principles or the standards derived from the Code (ICoC 2010: par 7).

These commitments are crucial to render the ICoC an effective mechanism in the regulation of PSPs. Without a clear set of objectives and measurable standards, objective evaluation of signatory companies' compliance would be impossible. The need for a certification procedure and an auditing system cannot be overstated, but implementation is a complex and time-consuming matter. The relevance of certification for the smaller PSPs which tend to be used by NGOs has also been questioned (Du Plessis 2010). A PSP's endorsement of the ICoC is not therefore a guarantee of its quality and performance.



The practice of NGO engagement with PSPs

This section examines the practice of NGO engagement with PSPs. What are the factors driving the need for PSP services? What are the types of services for which PSPs are commonly deployed by NGOs?

2.1 Factors driving outsourcing of security

The past decade has seen a significant increase in the outsourcing of security by NGOs (Speers Mears 2009, Singer 2006, Stoddard 2008). This has been attributed to a number of factors: the increased vulnerability of NGOs to (targeted) violence, leading to concerns over the safety of staff and sustainability of programs and heightened sensitivity to the organisational duty of care and legal liability.

Besides these main drivers there are also other factors that explain the increased use of PSP services by NGOs. As NGO operations increasingly take place in the context of military operations this has provided opportunities for the sales-promotion of services by PSPs to humanitarian agencies (Stoddard 2008: 15). Over the last decade military forces have increasingly used PMCs to provide services, ranging from logistics and maintenance of material to armed protective services. PMSCs operating in support of military forces view the humanitarian sector as a business opportunity. Additionally, various donors (for example the U.S.) and in some cases (host country) governments demand the utilisation of PSPs, either for the purposes of vetting and NGO accreditation, or for the purposes of training or the provision of protective measures.

Operating in a context of violence

Between 1997 and 2005, over 400 security incidents involving major violence against aid workers (killings, kidnappings and armed attacks) were recorded, affecting some 950 persons. Of these 950 persons, about 60% were staff members of NGOs (Stoddard 2006: 12). Research on casualties amongst aid workers has observed a clear upward trend in absolute numbers between 1997 and 2007. In relative terms the increase was slightly less dramatic (measured in incidence per 10,000 aid workers), reflecting the huge increase of humanitarian aid staff in the field (Stoddard 2008: 7).

Though the number of expatriate casualties decreased, the number of national staff casualties increased, representing some 79% of the total number of casualties between 1997 and 2005 (Stoddard 2006: 1). This reflects the phenomenon of so-called risk-transfer: in areas of heightened insecurity humanitarian NGOs increasingly rely on national staff or local partners. There is no obvious correlation between the number of casualties and the specifics of the context in which it occurs (i.e. whether it is a UN integrated mission, a military operation or environment where terrorists are active). However, the study did find that most of the casualties were due to deliberate targeting for political/economic purposes.

The latter point highlights the observed erosion of respect for humanitarian principles and of the protected status of aid providers. The independent character of aid has come under increased pressure due to intensified trans-national conflict and the perception of NGOs as partisan, representatives of Western interests. Humanitarian NGOs are also targeted by looters, for whom they constitute wealthy targets. This dimension has additional emphasis in conflicts with predatory dynamics, i.e. so-called 'war economies' (Le Billon 2000, Keen 1998, Carbonnier 2010). Targeting of NGOs may also have a political motivation, with the aim of putting pressure on states or military forces.

2.2 Services provided by PSPs

Services provided by PSPs can take a 'soft' or 'hard' form (see table 1). Here, 'soft' refers to advisory services, training and management support and 'hard' to the provision of physical input, such as materials, staff and active service support.

Table 1: quick reference – hard and soft services

'Hard' services	'Soft' services
<ul style="list-style-type: none">• Provision of guards (unarmed and armed), rapid response squads• Enhancement of physical protection of premises (gates, walls, lights, comms)• Medical services (evacuation, medical support)• UXO, IED and bomb tracing and destruction/ de-mining of compounds/areas used by staff and/or beneficiaries• Close protection (personal, mobile escorts), tactical support (armed protection)• Internal security (anti-fraud, corruption)• Escort of transport (armed)• Crisis management intervention	<ul style="list-style-type: none">• Security and awareness training and security management training• Risk and threat analysis, risk register development• Audits - due diligence and duty of care, ICT security advisories• Advisory and training on mine awareness IED, UXO and ammunition• Technical advice on physical protection measures and protective devices• Seconding specialist security staff• Vetting of security related staff• Advisory/training: Crisis management

2.3 Services used by NGOs

The services most commonly used by NGOs are unarmed guarding, security training and security assessment, the provision of protective and defensive measures for compounds and residential perimeters and medical (evacuation) services. A wide range of services are provided by PSPs and utilised by NGOs. Some are more applicable to headquarters level (e.g. crisis management training), others are aimed at country and project level (e.g. guarding, physical protection measures), whereas others are applicable at various levels (e.g. security awareness and security assessment training)



When to engage with PSPs

This section deals with the question of when the engagement of NGOs with PSPs can be advantageous and explores the conditions under which this is a viable option. Deciding when and whether to involve a PSP is a matter of balancing two considerations. These are:

1. the actions and resources that have been identified as necessary to address identified risk and threats, and
2. the internal capabilities and capacities available to deliver those actions and resources or the ability to develop the necessary skills to manage the threats.

Each consideration involves investments and costs, and this will influence the decision as to whether to provide the capacities and resources internally or through subcontracting. The calculation depends on the scope of the measures that need to be implemented, the ability of the organisation to free up relevant capacity, the time available to develop and manage the necessary resources, and the associated costs. There are advantages and disadvantages to subcontracting that will be addressed in this section.

3.1 Why involve PSPs

The argument for outsourcing security services is driven by similar arguments as for outsourcing any other service (logistics, financial administration, etc.). These are: cost-efficiency, lack of technical know-how and lack of management capacity (Stoddard 2008: 12).

Outsourcing security services to PSPs can:

- **Save costs:** outsourcing may be cost-efficient compared to developing similar resources or capacities 'in-house' (but in some cases it is not).
- **Boost management capacity:** in particular, for tasks requiring continuous supervision and support (such as the provision of guarding services).
- **Bring in specialist support:** expert management support in areas such as abduction or explosives.

However, the contrary position can also be argued. Outsourcing may lead to higher costs and can be regarded as a missed opportunity to grow skills within the organisation in an organic manner. Delegating security responsibilities undermines the cultivation of an internal 'culture of security' and lowers awareness, as security is not internally owned. Thus costs may be incurred not only in monetary terms but also in terms of organisational development.

Incidents due to the bad management of outsourced tasks may cause damage to an organisation's reputation and harm humanitarian operations. Outsourcing security functions may in some cases mean delegating (some) control over outsourced activities. Thus, there are ample reasons why outsourcing of security – and the way that it is done – should be carefully considered.

The main reasons for involving PSPs, in order of frequency, are:

- To generate internal skills and competences
- To provide structural (seconded) resources to boost security capacities
- To provide temporary support to address critical incidents

3.2 How to decide to involve PSPs

Scope: The involvement of PSPs can, in principle, be considered when the risks and threats which have been identified cannot be addressed by the internal capacities and/or capabilities of the NGO (or the collective of NGOs) and when it is expected that external PSP expertise will provide effective and appropriate solutions.

'Effective' means that the involvement of PSPs will yield pre-formulated goals of pre-identified security needs (hence, risk and threat analysis is an essential pre-condition).

'Appropriate' means that the involvement of PSPs (that is, the methods of work and the measures implemented through the actions of the PSPs) is compatible with the humanitarian mission and will not negatively impact the aim, purpose and profile of the contracting NGO, nor that of other NGOs, agencies, or beneficiary and civil communities.

Profile benchmark: Outsourcing security services can be considered when it can be safely assumed that PSPs effectively address the identified security needs while respecting the humanitarian mission and ensuring that this involvement will not affect the profile and image of the NGO, nor the interests of beneficiaries.

Policy development: Looking at 'scope' does not determine whether or not the involvement of specific PSPs is acceptable to the NGO. It is essential to develop organisational policy – particularly when armed protection is involved – to enable management decisions on questions in this area (see section 5).

Decision-making: The level and type of services in which PSPs are involved may influence the decision whether or not to engage PSPs. If the services aim at management support at headquarters level (e.g. abduction management training or support), considerations for other stakeholders' interests (e.g. beneficiaries, other NGOs) are much less likely to be important. Conversely, the 'harder', or more visible, the services provided, and the closer to the field level, the higher the likelihood that it may affect the image of the organisation, the humanitarian community and the interests of beneficiaries. In other words, policy implications count most when 'hard' services are provided at field level and least when 'soft' services are provided at headquarters level.

'Cost-effectiveness' is a separate issue and is subject to the severity of threats and risks in a specific context, relative to the gravity of the humanitarian situation. In other words, the willingness of the NGO to accept additional costs to mitigate threats depends on the expectation that by increased mitigation efforts (that is, through the services provided by the PSP) operations for urgent or exceptional humanitarian needs can proceed under acceptable (but at times increased) risk conditions.

3.3 Advantages and disadvantages

There are advantages and disadvantages related to the involvement of PSPs in the provision of security services to NGOs. These depend on the specific needs, the required resources and the track record of the PSP.

Advantages/opportunities

- PSPs are capable of providing a large amount of resources and continuous support such as guarding services (management scope).
- PSPs can provide qualified expertise on specialist topics such as explosives, mines, terrorist acts and abduction.
- PSPs have adequate insurance and (financial) resources to manage possible incidents (risk transfer and delegation of liability).

Disadvantages/risks

- PSP services may undermine the philosophy of the NGO - e.g. when using armed escorts or (armed) rapid response units.
- Some PSPs are part of a large profit-making defence industry; ethical concerns may arise and could negatively affect the image of the NGO.
- Poor PSP services (most often when locally provided) may expose the NGO to incidents, fraud and corruption networks, generating insecurity and creating a bad image.

Risk of 'bad providers'

When a PSP has a history of unethical operations, connections to illegitimate actors or activities that are incompatible with humanitarian principles, this can affect the good name, reputation and humanitarian profile of the NGO. It may also cause damage in the wider humanitarian arena, possibly affecting the safety and security of staff of other agencies/NGOs or leading to increased insecurity within the operational context.

In some emergency settings with insecure operational environments a sudden increase in the presence of NGOs has led to a shortage of 'good' or experienced PSPs. NGOs then face the decision of whether to choose a weak PSP, or none at all. This generally arises with regard to guarding services. The selection of PSPs is therefore an important process and will be elaborated upon in section 4.



How to engage with PSPs

Despite the trend towards outsourcing of services in areas such as logistics and human resources, many organisations have not yet developed specific policies or guidance for engaging with PSPs. Nonetheless, transparency in the engagement of PSPs is advisable (Von Tangen 2004: 9-12, Speers Mears 2009).

4.1 Decision-making and authorisation

PSPs can be involved at different levels of the organisation (headquarters, regional office, or field level). Obviously a decision to engage with PSPs will, at minimum, involve the management staff at the level where services are needed. However, there may be reasons to consult at a higher level, be it a regional office or headquarters. Aside from financial accountability, this may be necessary when the engagement of PSPs potentially oversteps the organisation's security policy or may affect its humanitarian image. PSPs' involvement in the mitigation of high-risk events such as abduction or anti-terrorism necessitates decision-making at the highest level of management, as mitigation measures carry potential legal dimensions and liability issues. Also, some mitigating actions – such as the use of force – may not be compatible with an organisation's image.

When the involvement of PSP services is likely to have implications for the profile of the organisation or liability issues, the decision needs to be taken by the highest authority.

Policy: Not all NGOs have articulated security policies, including the mutual duties and rights of the organisation and the employee, policies regarding the use of armed protection, and specified delegation of security responsibilities to the field or the individual level. It is strongly advised to formulate a security policy.

Ideally, as a prerequisite for contracting PSPs, NGOs will have at least decided upon:

- The internal process of security management, supported by an explicit decision-making line of authority.
- A policy on the use of armed services or armed protection and relations with military forces.

- A policy on ethical conduct, professional and accountability standards.

4.2 Tendering

Once a decision has been made to sub-contract security provision, the process of selection and contracting can take place. In general, this process will not differ much from other kinds of subcontracting, with the exception of particular aspects addressed in this section. These relate to the selection of providers and the preconditions of contracting and performance.

In general it is possible to distinguish between three types of engagements:

- **Short-term assignments** for skill enhancement and capacity building
- **Temporary support** to bolster organisational capacities
- **Subcontracting** to provide a complete range of services (e.g. guarding)

The range of the assignment, i.e. the tasks and duties to be subcontracted, are defined by the process indicated in section 3. These derive from the process of carrying out a risk and threat assessment and the audit of the NGOs' internal capacities and capabilities as follows:

1. Establish the needs (from threat, vulnerability and risk analysis) that are to be addressed by an external contractor (PSP).
2. Identify the activities and set the purpose and objectives of the activities to be sub-contracted.

The above will result in the Terms of Reference (ToR) of a Tender or Request for Proposals (RfP) from shortlisted PSPs or a public call for proposals from PSPs.

A contract is the outcome of an elaborate process that explicitly defines the tasks and activities to be subcontracted; the purpose, objectives, activities (inputs); deliverables (outputs); and the expected impact of the activities. The last refers to observable changes in behaviour or practices as a result of inputs and outputs by the contractor. These might be, for example,

increased awareness and adherence to policy or security rules (by staff); increased security (fewer incidents); or improved Standard Operating Procedures (SOPs).

Section G of the ICoC can be used to draw up a contract. The scope and modalities of contracting will be further discussed in section 4.5.

4.3 Selection of PSPs

There is a range of considerations to be taken into account in the selection of PSPs, aside from costs. These refer mainly to quality, ethics, business continuity (capacity of PSPs to sustain activities), and the potential impact of the use of PSPs. In many environments, using PSPs for guarding services is common practice. Not following suit is almost calling for trouble. Some donors even require the utilisation of PSPs in particular environments.

This prompts various questions. For example, is it better to employ/contract the most commonly used PSP? Is it important to differentiate between the PSPs that embassies or International Organisations (IOs) use? There is no single answer to these questions as the context and timing of actual situations define the parameters of best practice. However, some general indications can be given.

Particularly in environments with political tensions or volatile conflict dynamics with targeted violence (e.g. attacks on diplomatic or other IO representations), it is important to address the question of location (of offices and premises) before asking whether to involve PSPs. Before deploying 'harder' security measures, consider other options. These include program adaptation, the careful location of offices and residences, change of routines or activities, or proactively deploying acceptance strategies.

Some general advice on the issues and practices around selection is given below. Following these guidelines may increase the reliability and quality of services.

Local or international?

International PSPs can be more expensive but are usually better resourced and may have access to more extensive expertise and networks. For example, large insurance companies are now offering international service support, including in-house transport facilities and medical care in dedicated regional hospitals. Those policies can be costly, but they do provide a guaranteed network for (medical) support.

Local PSPs are usually less expensive, but are likely to have fewer resources. In some cases local PSPs have

gained a reputation for offering bad working conditions – low salaries and insufficient training. Such cases could lead to greater insecurity, as dissatisfied and underpaid staff are more easily corrupted and fraud may affect the services provided.

Nowadays, many local PSPs are subsidiaries or a franchise of international PSPs. In these cases, the quality of local PSPs can be compared with the standards set in international agreements such as the ICoC, but overall caution is advised. Issues concerning staff training and labour conditions need to be explicitly addressed with candidate PSPs.

Alternative Providers

Some services – for example security awareness or risk management training – can be provided at reduced cost by private consultants with NGO experience, not-for-profit private companies or NGOs specialised in safety and security for NGOs. They differ from commercial PSPs partly in terms of capacities and legal coverage. While commercial PSPs offer benefits such as licenses to use firearms and financial solvency (to cover costs, insurances and support services), individual operators or non-profit organisations may have a more compatible image for NGOs. Alternative providers for security training include NGOs that offer specialised services, or the UN's Saving Lives Together (SLT) initiative.

- **Individual consultants:** Hiring individual consultants for assignments requiring logistical support or life-saving services, such as medical support and support for evacuation, abduction intervention or mediation, carries a risk potential. Individual consultants will not possess adequate insurance or resources to cover eventual damages or liability claims arising from mistakes or unprofessional advice. In these cases, working with accredited PSPs with credible insurance and expert resources is recommended. Individual consultants are less appropriate for the implementation of hard measures or specific training assignments (IEDs, ammunitions, mine action).
- **Private, not-for-profit providers:** There are various private not-for-profit security support organisations and NGOs that work with (ex-) NGO staff and experts on the above-mentioned subjects. Usually these organisations work at competitive rates and have a close relationship with the humanitarian sector. The services of these providers are usually of the 'soft' type, such as training, management capacity building and risk and threat assessment.

4.4 Verification and vetting of PSPs

The accreditation of the provider should be checked, including the quality of service. The track record of the PSP can be requested directly from the company. Background research on the origins of PSPs can be conducted quite easily through a simple search on the internet or through consulting the associations mentioned in section 1. Roots should also be verified when a PSP has origins as a PMC or when it is an affiliate of an existing PMSC. In these cases it is advisable to gather more background information from the PSP itself, other users or professional security advisers in the humanitarian sector.

Labour conditions

Labour conditions should be guaranteed by the provider, particularly in the case of guarding services. These should not be at such low levels that they potentially undermine motivation and discipline, but nor should they be so high that they distort relations within the organisation or destroy parity with the terms and conditions offered by other NGOs. It is not advisable to top up salaries of staff hired by PSPs with the organisation's own incentives, as this could open the door to more demands, internal tensions and possible threats.

The best practice is to ensure that the (primary and secondary) labour conditions of staff hired by PSPs are up to competitive local standards, and to make this a contractual responsibility of the PSP. However, where local standards for guards are significantly lower than what the international NGO is applying to its own staff of equivalent status, careful consideration should be given as to how this will affect motivation and how discrepancies can be tackled without causing further problems. The solutions for this will be context specific.

Vetting, screening and training of staff

In the case of guarding or seconding of staff by PSPs it is important to check and verify that the PSP has a high quality and continuous selection and screening process as well as a regular training programme for staff, in particular when armed guards are involved. This is also an ICoC requirement (see section 5).

It can also be important for the contracting NGO to provide organisation-specific training to staff such as guards who are seconded from a PSP, as they are often the first point of contact for visitors. It is not realistic to expect the PSP, particularly when local, to provide detailed training on humanitarian and organisational principles and ways of working.

The PSP should endorse IHL, IHRL and provide evidence of its track record in this area. The profile of providers should match the context of operations. In certain contexts, the nationality and ethnicity of the provider and that of deployed personnel is important.

Furthermore, the provider should be a signatory to the ICoC and (if possible) be a compliant provider as set by the conditions and criteria of the ICoC (this provision of the ICoC is not yet functional at the time of writing).

Note: being a signatory to the ICoC does not guarantee the quality of services of PSPs, but it does offer a normative and qualitative basis for accountability of PSPs.

4.5 Contracting - setting the scope and modalities of operation

A contract with a PSP can be relatively simple if it is for a single type of input, for example, training or awareness exercises. The scope of such activities can be set up and contracted much like other kind of training or capacity building contracts. If the engagement concerns the outsourcing of complete services, the contract should stipulate minimum quality standards, and mutual obligations as well as the conditions under which the contract can be terminated. Reasons for early termination of contract can be lack of quality and consistency, negligence, negative consequences to operations, actions incompatible with the mission or other facts of misconduct that affect the contracting party or the interests of the humanitarian operations and beneficiaries.

It is particularly important when utilising armed guards, armed protection or armed escorts (see section 5), that the rules of engagement are clearly agreed upon from the outset. These include the modalities of use of violence, such as type of weapons and actions and the conditions and manner under which these can be applied and how. Liability in the case of casualties must be explicitly addressed and considered.

When hiring PSPs it is important to ensure that the provider understands the operational criteria and aims of the NGO and how it differs from, for example, the UN, governmental agencies or public-private enterprises. The guiding humanitarian principles are important as part of the Humanitarian Charter. Even if a PSP is a signatory to the ICoC it is still important to reiterate the meaning of the humanitarian mission and include this in the contract.

4.6 Monitoring and evaluation

Some contracts may include services that necessitate follow-up, possibly by the same provider (e.g. mine-clearing after mine assessments, or providing risk mitigating measures after assessments, such as perimeter compound security). In case of complex or multipurpose contracts with interlinked services it is suggested that a log frame approach is used. This enables monitoring, review and adjustment (adapting to possible changing context and security needs) in case activities take place over a longer period. When this approach is followed it is necessary to develop a full log frame prior to posting a request for proposal.

4.7 Termination of services

The termination of services has in some cases led to tensions or threats against the contracting NGO. This can be the result of unclear contractual stipulations, or personal revenge motives held by a staff member of the PSP. Generally, it is advisable to precede the termination of badly executed contracts (involving hard services such as guarding) with an explanation following the contract stipulations and mutually agreeing on the termination and the conditions. If it seems likely that the termination of a contract may lead to tensions, the NGO may consider asking a qualified mediator or legal representative(s) to be present. These cases should involve the highest level of management prior to termination.

Box 1: A concise description of monitoring and evaluation

The monitoring phase:

- the process following the progress of planned activities, identifying gaps or delays and timely adaptations. This phase also checks if expected outputs are achieved (deliverables).

Questions guiding monitoring:

- Are the necessary resources available to run activities?
- Is the requested expertise delivered to generate activities?
- Do the activities take place as planned (if not why)?
- Do the actions disturb or undermine the humanitarian activities and profile?

The evaluation phase:

- focuses on the outcomes: the concrete results of activities and the impact: the noticeable change (in behaviour) resulting from the outcomes.

Questions guiding evaluation:

- Are the outputs generating the expected / desired outcomes?
- Do the outcomes lead to the expected/desired impact (change in behaviour)?
- Do the outputs generate negative impacts or affect the humanitarian image of the NGO, other NGOs or the interest of beneficiaries?



Armed protection

Not all security threats and risks can be addressed by conventional means. These include life threatening and targeted risks, such as armed assaults, assassination or abduction of personnel, acts of terrorism, car bombing etc.

There are two extremes in addressing such situations:

- The suspension of operations (or the decision not to deploy) or
- The implementation of appropriate mitigation measures (e.g. armed protection) so that the risk falls within the threshold of acceptable risk.

In general the use of armed protection is merited:

- When humanitarian needs are exceptional
- When the provider is legitimate and reliable
- When it is estimated that armed protection will be effective

Note: 'Arms' is understood in the widest sense of the word, including firearms, clubs, shock weapons, bow and arrow, spears, and any other device that can be used or is intended to be used to inflict physical harm or to cause fear of harm. Firearms include handguns, rifles, shotguns and so forth.

Though sometimes effective, armed protection is often a cause for concern for two main reasons. First, there is the argument that the carrying of arms is contrary to humanitarian principles. The second argument is utilitarian: some believe that the use of armed protection only serves to ratchet up the spiral of violence and can potentially trigger pre-emptive use of arms.

The use of military protection – usually armed convoys and escorts – is common in war zones such as Iraq and Afghanistan.⁴ There are also situations that warrant the use of close armed protection, for example in areas with high incidence rates of abduction and targeted violence or where the carrying of arms and use of armed guards has become 'standard' e.g. Somalia. Armed protection is also common in capitals with high crime rates or where abduction is a real threat e.g. Colombia.

5.1. Evaluating the viability of armed protection

Evaluating the use of armed protection is a matter of balancing the ability to effectively address the humanitarian needs, taking into consideration the duty of care for staff well-being whilst preserving the humanitarian character of operations. The last is important in terms of perception by beneficiaries and the civilian community.⁵

In some contexts armed protection is inescapable, as arms-carrying forms part of the 'local security culture', e.g. the Caucasus and Somalia. In these contexts, the use of armed protection is so common that by not following this practice, an agency exposes itself as a soft target. It must be noted though that this perception can also be exploited by local powers and criminals running 'protection rackets' (where those providing protection are the same people who generate the risk).

The last observation highlights the need for an extremely measured and cautious approach towards the deployment of armed protection. The decision by one agency to use armed protection will have implications for all agencies operating in the same area and may negatively impact the humanitarian character of operations in general. Therefore, it is strongly recommended that armed protection is considered in the wider humanitarian community and not solely by single agencies. Decisions should be taken at the highest level of the organisation, and only after broad consultations with stakeholders such as NGOs, UN agencies, donors and - not least - beneficiary communities, in order to assess the possible impact.

Lastly, many contemporary humanitarian operations take place in the heart of violent conflict, concurrent with military activities. This brings the issue of armed protection to the fore, not as a choice but as a default, as activities in the areas of operation and movements to and from those areas may be in the presence of armed forces. Humanitarian actors operating under the

4 A survey conducted in 2008 found that while the use of armed protection remains exceptional, 41% of major humanitarian organisations have contracted some form of armed protection at least once during the preceding years (Stoddard et al. 2008: 12)

5 There is a growing belief among NGOs (particularly in Afghanistan and Iraq) that armed protection actually increases organisations' vulnerability to attacks as they are seen as a more legitimate target (Stoddard et al. 2008: 12).

'umbrella' of such protection may be perceived as part of the military power and may compromise their own neutrality and that of others.

Box 2: Evaluation of armed protection

- **Need and impact** – considering the urgency of humanitarian needs, and weighing the benefit of access (with armed protection) against the costs (image and potential violence ratchet effects) – is armed protection a 'defendable' option?
- **Precedence** – will the deployment of armed protection set a precedent, affecting the wider community of NGOs and impair the possibility of operating without armed protection in the future?
- **Reputation** – what will be the implications for the reputation of the organisation and wider humanitarian community in the given context as well as globally?
- **Escalation** – will the use of armed protection escalate the dynamics of violence and lead to possible pre-emptive use of violence?
- **Legal aspects and liability** – is the possible liability of the organisation in case of lethal incidents affecting staff and/or third party individuals/civilians taken into account?
- **Legitimacy** – are the potential providers legitimate and reliable?

5.2. Types of providers of armed security

There are various types of providers of armed security:

- Private security companies - recognised and authorised by local authorities to carry and use arms to protect against common crime
- Police and national paramilitary forces
- National armies or international armed forces
- Irregular armed groups or armed vigilantes drawn from the local community

Private security companies

The use of armed guards at offices and premises is probably most common, in particular in countries endemically affected by insecurity and high crime. NGOs utilising PSPs for domestic and residential security, as is usual in most capitals and major cities, also often deploy so called Rapid Response Units (RRUs) (or Quick Response Squads) in case of security emergencies (robbery, assaults etc.). The use of RRUs in these difficult situations is mostly accepted as a fact of life. It should be verified though, whether or not these RRUs are authorised to carry and use arms. If this is the case they should be considered as a form of official armed protection, albeit in an indirect form.

Although the use of these forms of armed protection is understandable, and broadly accepted as inevitable, it is important to address the management of such deployment with care (see section 4.4). There have been situations in which (national) PSPs were actually the cause of insecurity as they operated within criminal networks in protection rackets. Therefore, clarity on national laws on use of arms, and NGO rules on use of arms, selection, vetting and training of staff, are important dimensions in selecting PSPs for armed protection.

Police and paramilitary forces

In some cases national governments and/or donors demand armed protection for NGOs to mitigate the risk of violent security incidents, abduction or other physical injuries. The utilisation of these services is usually not voluntary and hence falls beyond the scope of these guidelines. However, in such cases, the general guidance would be to follow the logic of the humanitarian principles of independence and neutrality.

Enforced armed protection

Humanitarian operations under military escorts are usually not voluntary in the sense that in war and conflict arenas, certain areas can only be accessed under military protection. When armed protection, for example of convoys, is voluntary, it is up to the NGO to decide whether doing this is considered acceptable under the evaluation criteria mentioned in section 5.1 (box 2).

Unsolicited armed protection

There are cases when armed protection is provided unsolicited. This has occurred, for example, in Afghanistan where humanitarian NGO vehicles were shadowed or monitored as part of ongoing PMC services of military powers. Obviously this is not a requested service by the NGO and the only thing NGOs can do in such cases is to take note of the existence of such operations and bring this up with the relevant authorities.

Other forms of unsolicited armed protection occur in contexts where armed protection forms part of the local security culture and in civil wars where armed factions, rebel groups or guerrillas 'demand' use of armed protection. In some cases this is accompanied by (official or unofficial) payment of fees. As these are not solicited services, such contracts fall beyond the scope of this guideline. However, the use of such 'services' is highly controversial and not without danger.

Termination of an armed protection agreement

Termination of an agreement (official or unofficial) with irregular entities (armed groups or local militia) can expose the organisation to severe dangers, in particular if those services were provided on the basis of incentives and/or financial rewards. The operational and security considerations of such termination must be evaluated prior to termination of such engagement and a plan of action must be prepared to deal with contingencies.



Concluding remarks

Overall, it can be stated that the services of PSPs can be very useful for humanitarian NGOs, both in terms of resources and capacities, as well as in terms of costs. PSPs can, in particular, contribute specialised knowledge, skills and training capacities. The use of PSP services, however, should not be taken as a given. In some cases, the use of commercial PSPs is not warranted due to political or local sensitivities. In other contexts, using particular types of service, such as armed protection, can result in negative consequences for the NGO itself or the overall humanitarian operation. Alternative measures to mitigate risks should be explored and exhausted before turning to PSPs.

The use of PSPs by humanitarian NGOs is here to stay. The recognition of the need for regulation by PSPs themselves - in order to increase accountability and transparency - is a step in the right direction. NGOs need to match this by being transparent about the use of PSPs, setting the terms of engagement clearly and indicating the expectations of the humanitarian sector from PSPs. It is hoped that these guidelines have contributed to this end.



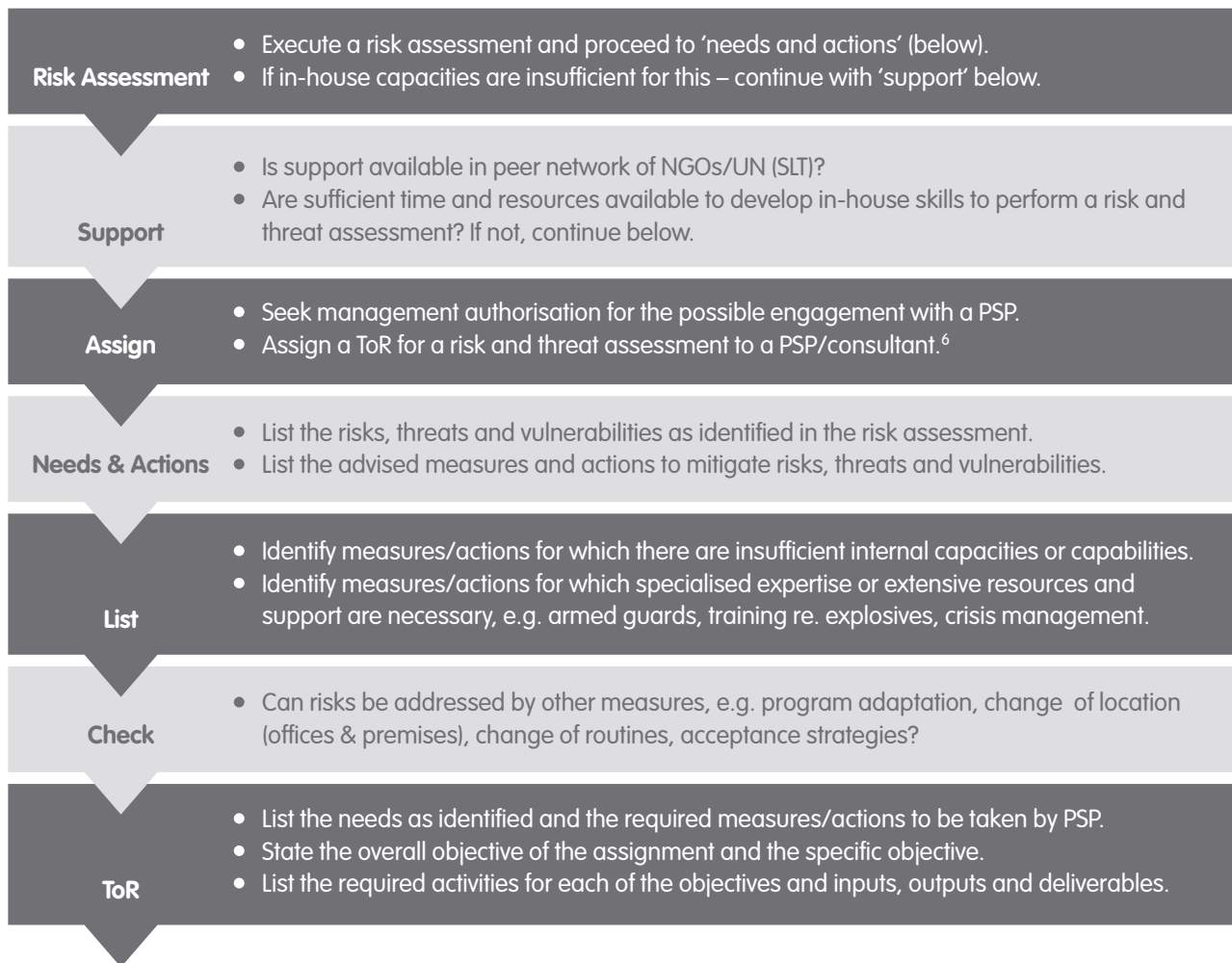
Core competences of PSPs

PROVIDER	YES	NO
Fully licensed for services requested		
Financially sound and accountable		
Signatory of the ICoC for private security service providers		
Management is estimated competent and able to deliver		
Good track record on performance within the boundaries of the law, and behaviour compatible with humanitarian standards		
Proof of quality and references can be provided		
No background in (para-) military or defence business		
STAFFING		
Staff are adequately trained for the tasks they are being designated to		
Staff are paid in accordance with national labour law, minimum wages		
Obligatory taxes, social security and pension are being paid by provider		
Staff is expected to work acceptable work schedules, except for specially agreed assignments, mutually agreed by provider and staff member(s)		
ARMED GUARDS		
Provider has appropriate licenses to import, possess and use the specified arms in country according to national law and compliant with international law on use of firearms		
Staff are licensed according to prevailing law in case of handling firearms		
Language proficiency of guards is sufficient to enable communication with visitors, residents and staff		
SERVICES		
Provider is able to guarantee the agreed services as per contract		
Provider assumes full responsibility for the health and well-being of its staff including provision of first aid, vaccination and medical treatment		
Provider assumes full liability in case of negligence or in case of breach of contractual stipulations		
Provider has adequate insurance for liability, damages and injuries		
OTHER/MISCELLANEOUS		



Checklists for PSP selection and engagement

Checklist 1: From risk assessment to ToR



⁶ Whether the security service provider is an individual consultant or a company depends on the required services, availability and the NGO policy and preference. In some environments working with an individual consultant with NGO experience might be preferred as they will blend in easily and know the NGO environment. Some more hostile environments may require a commercial PSP with adequate support and insurances as to be able to tackle setbacks or potential risks.

Checklist 2: Deciding on use of PSP services

Policy	<ul style="list-style-type: none">• Are security policies, protocols, responsibilities and lines of decision-making clear? If not this should be addressed as a priority.• Is there an organisational policy or guidelines on the use of PSP services for security?
Internal	<ul style="list-style-type: none">• Is there a possibility to generate (part of) the needs required internally in order to boost an internal culture of security and increase competency?• If yes, re-consider the need and the tasks to be outsourced to PSP.
Image	<ul style="list-style-type: none">• Is there a potential that the use of a PSP may affect the image of the NGO or humanitarian operations in general?• If yes – the use of PSP should be discouraged until adequately addressed.
Risks	<ul style="list-style-type: none">• Is there a potential that the use of particular services of PSP will generate a negative response or will have negative consequences on beneficiaries?• If yes - the use of the specific activities is counter advised (for example armed protection).
Risks tender	<ul style="list-style-type: none">• Is there a risk that other (local) providers will threaten the bidding company or undermine the bidding process?• If yes, reconsider the terms of bidding or tender for non-local PSPs only.

Checklist 3: Bidding and selection⁷

Compliance	<ul style="list-style-type: none">• Is the bidding PSP compliant signatory to the ICoC?• Is the PSP duly registered and licensed? In case of armed guarding or Rapid Response Squads - locally licensed and registered?
Coverage	<ul style="list-style-type: none">• Is the PSP financially stable to deliver services and sustained, required support?• Is the PSP duly insured and adequately covered for possible liabilities as a result of its service provision (both to its own staff or the NGO)?
Reputation	<ul style="list-style-type: none">• Does the PSP have a sound track-record?• Is staff properly trained and licensed?• Are third-party references available?
Conditions	<ul style="list-style-type: none">• Are (primary and secondary) labour conditions for PSP (seconded) staff congruent to local laws - in particular when local PSPs are involved?• Are local taxes, social security and pensions for (local) staff duly accounted for?• Are holidays and reasonable working hours respected?
Contract	<ul style="list-style-type: none">• Can the contract be disbanded without risks (compliant with the conditions set)• Under which (national) law is the contract concluded?• Are eventual particular (municipal) stipulations of contractual law known?
Competitive	<ul style="list-style-type: none">• Is the bid competitive both in terms of value for money, as well as in terms of compatibility with norms and values prevailing in the humanitarian community?
Disolving Conditions	<ul style="list-style-type: none">• Bidding PSP can provide a statement of good reputation and a statement that it has not been involved in practices not compatible with the humanitarian mission.

⁷ This section applies mainly to commercial companies bidding for a contract to provide 'hard' services, involving seconding staff, providing material support or tactical support e.g. crisis management, and to a lesser extent to 'soft' services such as training, auditing and assessment.

Checklist 4: Contracting

Preamble	<p>Contract includes:</p> <ul style="list-style-type: none">• Reference to ICoC and humanitarian principles.• (Pre) conditions - compliance, dispute settlement, reference to national law (country) and terms and conditions underlying the contract.
Terms	<ul style="list-style-type: none">• Scope and limitations of the contract (see also section G of the ICoC).• Responsibilities of contracting party and contractee.• Specific conditions of the contract - duration, validity.
Duties	<ul style="list-style-type: none">• Tasks, services, requested inputs and desired outputs, and expected outcomes of the provided services (for monitoring and evaluation).• Rules of engagement (e.g. use of firearms)
Duties	<ul style="list-style-type: none">• Reporting duties, time frames, frequency, content of reporting.• Quality stipulations, labour conditions of seconded staff, training and qualifications.• Evaluation time frame of services – terms of evaluation.
Liabilities	<ul style="list-style-type: none">• Terms of liability for the (seconded) staff of the provider.• In case of armed guards, liability in case of physical harm to persons.• Terms of liability in case of damage to the property, employees or image of the NGO.
Dissolving	<ul style="list-style-type: none">• Conditions which lead to termination of the contract (trespassing humanitarian benchmarks, quality standards, illegal activities, conflict of interest).
Financial	<ul style="list-style-type: none">• The financial details of the provider – bank accounts, accountant statements• The terms and conditions of payment.
Legal	<ul style="list-style-type: none">• Other legal clauses that may apply, for example local tax and labour laws, social security, import and export, insurances etc.• Complaint procedure (for both PSP and NGO staff).

Checklist 5: Armed guards/armed protection

Local context

- Are there specific dimensions that necessitate armed guarding? (specific threats, common use of violence)?
- Is there a local culture for carrying arms?
- Is the practice of using armed guards common amongst NGOs, IOs, Embassies within the operating context?

Usage

- Is a specific group of clients using specific PSPs for armed guarding (e.g. embassies, foreign business)?
- Choice of other or same providers depends on local context and conflict dynamics as well as availability of 'quality' licensed PSPs.

Risk

- Is (criminal syndicated) fraud and corruption common?
If yes – a very cautious approach and thorough screening is advised.
- If possible select from non-local PSP companies or those affiliated with international registered companies.

Risk

- Are there local (non-regulated) competitors for PSPs for armed guarding?
If yes an extreme cautionary approach is advised.
- Arrangements with local militia or non-registered irregular groups is highly counter-advised.

Benchmark

- If armed protection of persons and/or transport is deemed as the only way to continue operations it is essential to consult with the highest level of management within the organisation to decide if this is warranted, weighing the acceptability of such protection against the humanitarian needs to be addressed.

Checklist 6: Evaluation

Inputs	<ul style="list-style-type: none">• Have services been provided as agreed timely and adequately?• Have the inputs (resources) been delivered timely and adequately?
Outputs	<ul style="list-style-type: none">• Have outputs been realised timely and adequately (physical results)?• Were the expected outcomes reached (the objectives of the outputs)?
Standards	<ul style="list-style-type: none">• Is the service of the PSP compatible with the standards of the NGO and humanitarian profile?• Is the PSP's staff behaviour compatible with humanitarian standards?
Impact	<ul style="list-style-type: none">• Are there negative (unintended) consequences of the PSP activities or involvement?• Are there any negative perceptions amongst beneficiaries, NGO staff or other NGOs due to the PSP activities or involvement?
Results	<ul style="list-style-type: none">• What is the overall assessment of the results of PSP activities (impact)?• Was there an impact on behaviour and attitude (awareness) of staff?• Was there an impact on management decision-making (where relevant)?
Lessons	<ul style="list-style-type: none">• Were there any unforeseen results or outcomes (+ and -)?• Were there unachieved or delayed outputs? What was the reason behind this?• What were the lessons learned, improvements and limitations?



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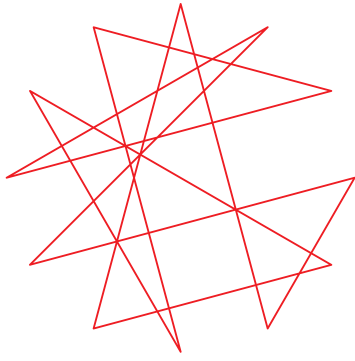
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